

Chapter 29-2 Zoning Districts²⁶¹

The Base and Overlay zoning districts listed in the Current Zoning Districts column of Table 29-2.1 are hereby created, and shall have the boundaries shown on the Official Zoning Map maintained in electronic form by the Department of Community Development and available on the City of Columbia web site. Base zoning districts are grouped into three types – Residential, Mixed Use, and Special Purpose districts.²⁶²

29-2.1 Summary Table

Table 29-2.1: Columbia, Missouri, Zoning Districts ²⁶³	
Previous Zoning Districts	Current Zoning districts
Base Zoning Districts	Base Zoning Districts
Residential	Residential
R-1 One-Family Dwelling	R-1 One-Family Dwelling
R-2 Two-Family Dwelling	R-2 Two-Family Dwelling
R-3 Medium Density Multiple-Family Dwelling	R-MF Multiple-Family Dwelling
R-4 High Density Multiple-Family Dwelling	
R-MH Residential Manufactured Home	R-MH Residential Manufactured Home
PUD Planned Unit Development	
Office	Mixed Use
O-1 Office	M-OF Mixed Use - Office
O-2 Special Office	
O-P Planned Office	
Commercial	
C-1 Intermediate Business District	M-N Mixed Use - Neighborhood
C-3 General Business District	M-C Mixed Use - Corridor
C-2 Central Business District	M-DT Mixed Use - Downtown
C-P Planned Business District	
Industrial	
M-R Research, Development and Office Park	M-BP Business/Industrial Park
	Special Purpose
M-C Controlled Industrial District	IG Industrial
M-1 General Industrial District	
M-U Underground Space	
M-P Planned General Industrial District	
Agricultural	
A-1 Agricultural	A Agricultural
	O Open Space
	PD Planned Development

²⁶¹ Materials from Section 29-4 (Districts established) and Sections 29-6 to 29-22 (identifying each existing district), with changes discussed in Annotated Outline.

²⁶² New provision reflecting current practice.

²⁶³ Replaces table in current Section 29-3.

Table 29-2.1: Columbia, Missouri, Zoning Districts ²⁶³	
Previous Zoning Districts	Current Zoning districts
Overlay Districts	Overlay Districts
UC Urban Conservation	UC-O Urban Conservation Overlay
S-R Scenic Roadway Area	SR-O Scenic Roadway Area
HP Historic Preservation	HP-O Historic Preservation
F-1 Floodplain	FP-O Floodplain
Communication Antennas and Towers ²⁶⁴	
Wind Energy Conversion Systems	

²⁶⁴ Communications Antennas/Towers and Wind Energy Conservation Systems are now treated as land uses rather than districts.

29-2.2 Base Zoning Districts

(a) Residential Zone Districts

(1) R-1: One-Family Dwelling District²⁶⁵

Purpose²⁶⁸

This district is intended to promote and preserve safe and attractive urban one-family residential neighborhoods. The principal land use is a one-family dwelling. Some public recreational uses, religious facilities, educational facilities, and uses incidental or accessory to dwellings are included, as shown in Table 29-3.1 (Permitted Use Table).²⁶⁹

TABLE 29-2-2

R-1 DISTRICT DIMENSIONAL STANDARD SUMMARY²⁶⁶

LOT STANDARDS	
Minimum lot area	7,000 sq. ft.
Minimum lot area if no public or community sewer available ²⁶⁷	15,000 sq. ft.
Minimum lot width at building line	60 ft.
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard	6 ft.
Minimum depth of rear yard	Lesser of 30% lot depth or 25 ft.
Maximum height of primary residential building	35 ft.
Maximum height of primary residential building if 2 side setbacks of at least 15 ft. each	45 ft.
Maximum height of primary nonresidential building, provided all setbacks increased 1 ft. for each additional 1 ft. of height over 35 ft.	75 ft.
This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.	

Examples

Insert Picture of R-1 homes

Insert Picture of R-1 homes

²⁶⁵ Content from current Section 29-6.

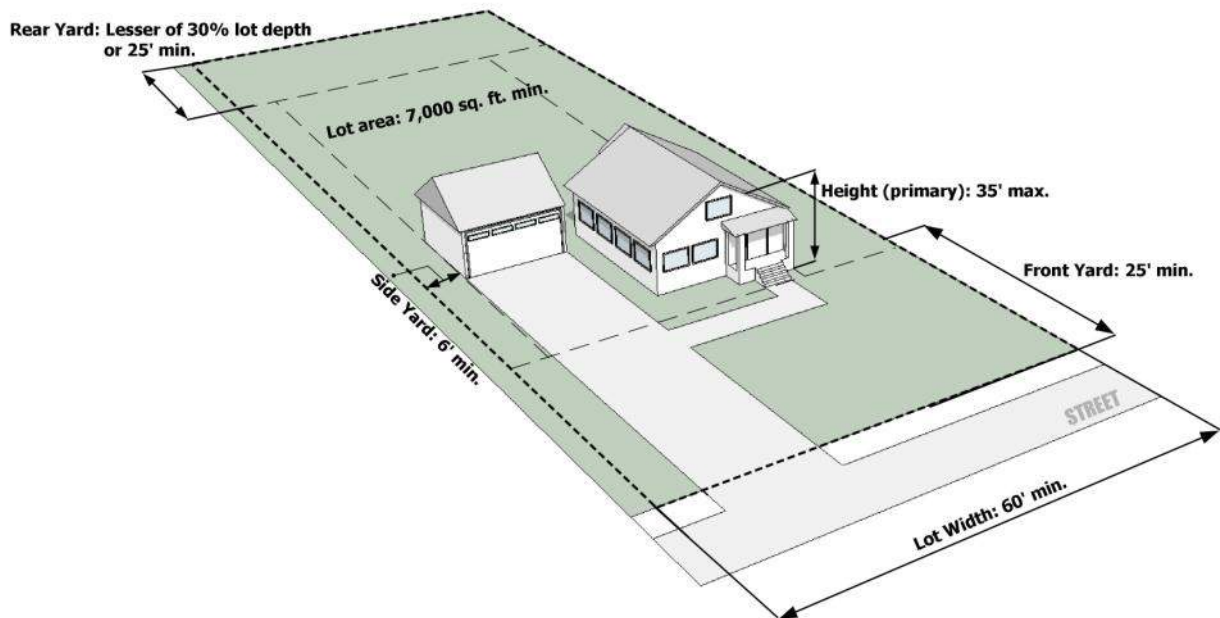
²⁶⁶ 650 sf min. size for dwelling units deleted. See Sec. 29-4.1 for description of other changes from current Code.

²⁶⁷ New standard since Module 1 to address gap in Code.

²⁶⁸ Revise to reflect the goals in *Columbia Imagined*.

²⁶⁹ Reference to innovative housing types removed since prior draft because cottage type developments now limited to R-2 district.

Illustration



Other Standards

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

(2) R-2 Two-Family Dwelling District²⁷⁰

Purpose²⁷⁵

This district is intended to provide for a blend of one-and two-family residential developments that will promote strong neighborhoods. The district is intended to accommodate both standard residential development and small pockets of affordable small lot infill “cottage” residential development. The “cottage” standards require approval by the Board of Adjustment pursuant to Section 29-5.4(l). The principal land use is one-family or duplex residential dwellings, as shown in Table 29-3.1 (Permitted Use Table). One primary structure is allowed per lot; two or more single-family detached dwellings are not permitted on a single lot.²⁷⁶

**TABLE 29-2-3
R-2 DISTRICT DIMENSIONAL STANDARD SUMMARY²⁷¹**

	Current	Cottage ²⁷²
LOT STANDARDS		
Minimum lot area – one-family (sq. ft.)	5,000	3,000
Minimum lot area – two-family (sq. ft.)	7,000	N/A
Minimum lot area if no public or community sewer available (sq. ft.)	15,000	15,000
Minimum lot width at building line (ft.)	60	35
Maximum size of contiguous parcel where standards apply (ac.)	N/A	1
BUILDING STANDARDS		
Minimum depth front yard (ft.)	25	10
Minimum depth from front lot line to garage (if applicable) (ft.)	25	20
Minimum width of side yard (ft.)	6	6 ²⁷³
Minimum depth of rear yard (ft.)	Lesser of 25% lot depth or 25 ft.	10
Maximum height of primary residential building (ft.)	35	35
Maximum height of primary residential building if 2 side setbacks of at least 15 ft. each	45	35 ²⁷⁴
Maximum height of nonresidential building	75	75

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Examples

Insert Picture of R-2 homes

Insert Picture of cottage development

²⁷⁰ Content from current Section 29-7.

²⁷¹ Min floor areas for dwelling units deleted. See Sec. 29-4.1 for description of other changes from current Code.

²⁷² All Cottage standards are new.

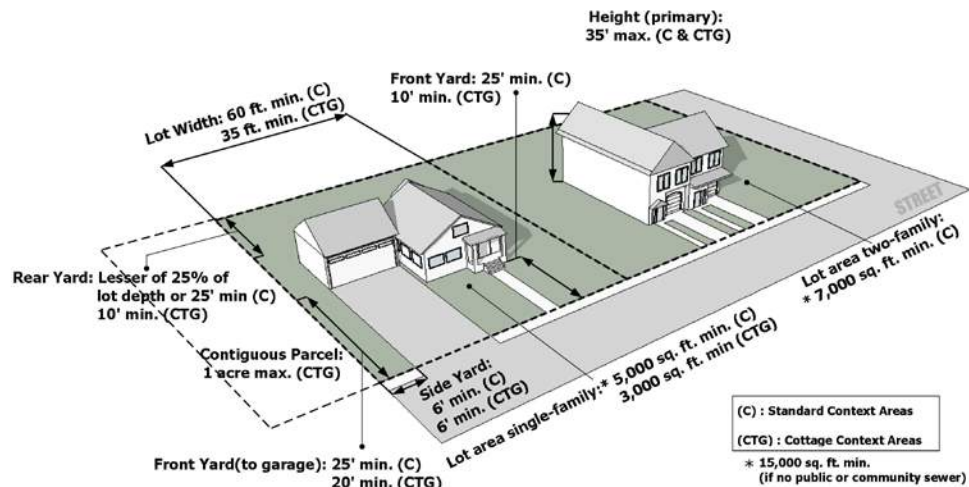
²⁷³ Revised from 4 ft.

²⁷⁴ Revised from 45 ft.

²⁷⁵ Revised to reflect the goals of *Columbia Imagined* and recommendation for inclusion of land-efficient cottage development from the Annotated Outline.

²⁷⁶ Clarification added since Module 3.

Illustration



Other Standards

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

(3) R-MF Multiple-Family Dwelling District²⁷⁷

Purpose²⁸⁷

This district is intended to provide for a mix of one-family, two-family, and medium density multi-family residential development. It may include a range of residential uses from one-family to medium and high density multi-family apartments and condominiums and fraternity and sorority houses. The scale of development is regulated to ensure that new development is not out-of-scale with the character and density of surrounding development. The principal uses are residential, as shown in Table 29-3.1 (Permitted Use Table).

TABLE 29-2-4 ²⁷⁸ R-MF DISTRICT DIMENSIONAL STANDARD SUMMARY	
LOT STANDARDS	
Minimum lot area – one-family	5,000 sq. ft. ²⁷⁹
Minimum lot area – two-family	7,000 sq. ft. ^{280 281}
Minimum lot area – multi-family	2,500 sq. ft. per du ²⁸²
Minimum lot area – sorority or fraternity	N/A ²⁸³
Minimum lot area -- CRCC	N/A, But Max Density is 17 du/ac
Minimum lot width at building line	60 ft. ²⁸⁴
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard – all other	10 ft.
Minimum width of side yard – corner lot street side	15 ft.
Minimum depth of rear yard	25 ft.
Maximum height of primary residential building	35 ft. ^{285 286}
This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.	

Examples



²⁷⁷ Combines content from current Sections 29-8 and 29-9.

²⁷⁸ Min floor areas for dwelling units deleted. See Sec. 29-4.1 for description of other changes from current Code. Since Module 3, provision for increased height over 35 feet with added setbacks has been deleted.

²⁷⁹ Revised from 7,000 sq. ft.

²⁸⁰ Reduced from 7,000 sq. ft.

²⁸¹ Revised from 5,000 sq. ft.

²⁸² R-3 currently requires 2,500 sq. ft. of lot area per du and R-4 requires 1,500 sq. ft. of lot area per du.

²⁸³ Revised from 15,000 sq. ft.

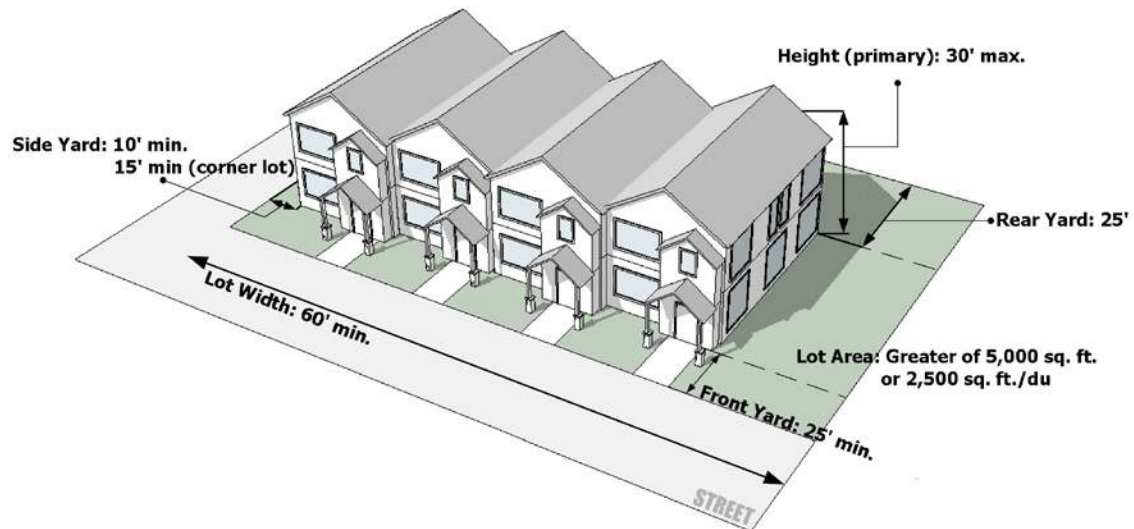
²⁸⁴ "100 ft. if adjacent to R-1 or R-2" has been removed.

²⁸⁵ Revised from 35 ft. in current R-3 areas;

²⁸⁶ Revised from 45 ft.

²⁸⁷ Revised to combine purpose statements of R-3 and R-4 districts and to reflect the goals of *Columbia Imagined*.

Illustration



Other Standards

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

(4) R-MH Residential Manufactured Home District²⁸⁸

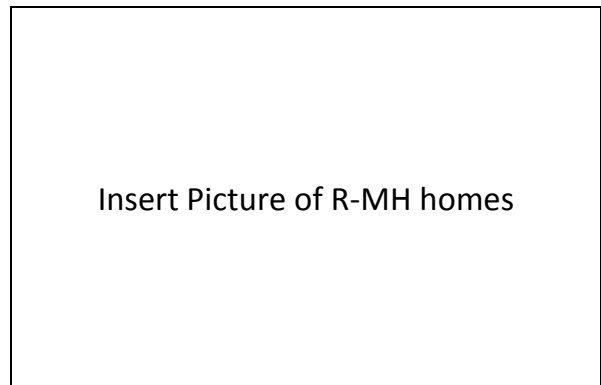
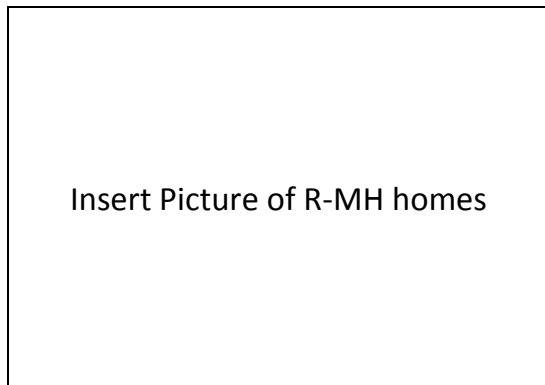
Purpose

This district is intended to provide for the development and operation of residential manufactured home parks. The standards are intended to provide for diverse housing opportunities and promote innovative and land-efficient sources of affordable housing while promoting neighborhood enhancement and minimizing conflicts with other zoning districts. A residential manufactured home park may provide manufactured home spaces available for lease or rent; or the property may be subdivided in accordance with the requirements of this section and Section 29-4.2 (Subdivision Standards).²⁹²

**TABLE 29-2-5
R-MH DISTRICT DIMENSIONAL STANDARDS**

SITES AND STRUCTURES	
Minimum area of each home site	3,750 ^{289 290}
Minimum lot width	45 ft. ²⁹¹
Maximum building height	35 ft.
Minimum front setback of homes from abutting public street in the park	20 ft.
Minimum side and rear setback sites from other mobile home site boundaries	10 ft.
Minimum distance between dwelling units	20 ft.
This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.	

Examples



²⁸⁸ Material from current Section 29-11.

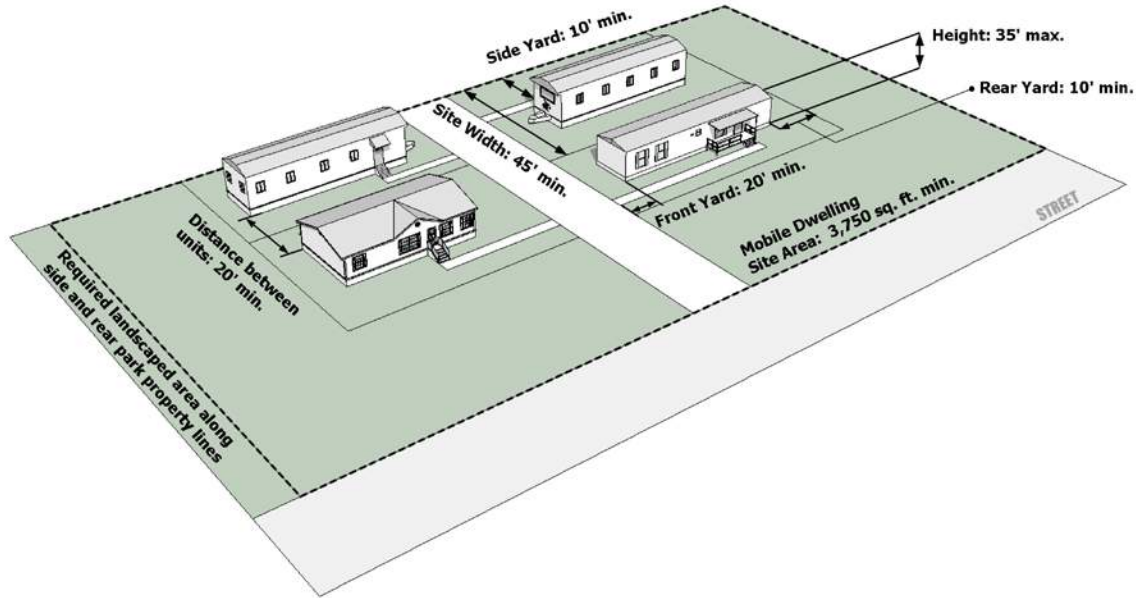
²⁸⁹ Reduced from 4,050 in current Code.

²⁹⁰ Revised from 2,500 sq. ft.

²⁹¹ "100 ft. if adjacent to R-1 or R-2" removed.

²⁹² Revised to reflect the goals of *Columbia Imagined* and to match structure of other purpose statements.

Illustration



Other Standards²⁹³

1. Required park boundary setback areas along the side and rear property boundaries shall be landscaped and shall not contain parking areas, streets, drives, or accessory structures or storage areas.²⁹⁴ A permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination thereof, at least eight (8) feet in height and, when a fence is used, not to exceed twelve (12) feet in height, shall be required around the perimeter of the site. The required screening shall have an opacity of at least eighty (80) percent year around and, if landscaping is used, the eighty (80) percent opacity shall be achieved within four (4) full growing seasons. If a masonry wall or wood fence is used, landscaping shall be placed between the wall or fence and the property line to form an ornamental screen. The required screening shall be maintained in good order and not allowed to exist in a state of disrepair or death. If wood fencing is used, it shall be durable in nature or treated to prevent rapid deterioration. Failure to maintain the required screening shall be considered a violation of this chapter.
2. Carports, patios, decks and accessory buildings may be located in side and rear setback areas of individual manufactured home sites that are not part of the required park perimeter buffer area.
3. A private outdoor living area, such as a patio or deck, of at least forty (40) square feet shall be provided on each manufactured home space or lot adjoining the manufactured home.

²⁹³ Materials from current Section 29-11(d)(3). Sight triangle requirement deleted because now addressed by standard Citywide requirement.

²⁹⁴ Revised for clarity.

4. A stormwater management system shall be designed to minimize the possibility of soil erosion and flood damage on site and downstream.
5. Interior access shall be provided by public or private streets. Public streets shall be built to City standards and shall have sidewalks on both sides. Private streets shall require private street maintenance.²⁹⁵
6. Manufactured home parks shall have their only access on perimeter streets unless the Director determines that street connections to adjacent properties are necessary to protect public safety and reduce traffic congestion at access points²⁹⁶.
7. Street connections to adjacent properties may be required when deemed appropriate by the Director; however, at least one access point onto a public street shall be provided for each one hundred (100) manufactured home spaces or lots.
8. Paved parking shall be provided on each manufactured home space or lot at the rate of one (1) parking space per manufactured home.²⁹⁷
9. An on-ground or in-ground stand constructed to comply with the building code shall be provided to provide support and leveling for each manufactured home.
10. Anchorage and tie-down constructed to comply with the building code shall be provided on each manufactured home space or lot to prevent overturning or uplift of the manufactured home.
11. Skirting shall be installed for each manufactured home. Skirting material shall be visually compatible with the manufactured home unit's materials and shall have a visually finished appearance. Composition building board and raw wood shall not be used as skirting unless finished with a weatherproof and termite proof material.
12. A map of the layout of the manufactured home park, of a scale not greater than 1:50, showing the location of individual manufactured home spaces by number, shall be displayed on the park office building, or on the identification sign at the entrance to the manufactured home park.
13. Each space for a manufactured home shall be provided with a sewer outlet not less than four (4) inches in diameter, connected to the main sewer system.
14. In addition to required automobile parking spaces, the manufactured home park shall provide at least one accessory vehicle storage area for each ten (10) manufactured homes, to provide storage for trucks, boats, and similar vehicles.
15. If storage facilities for tenants are provided on the manufactured home space or lot or elsewhere in the manufactured home park, they shall be constructed of suitable weather resistant materials.
16. All yard areas and other open spaces not otherwise paved or occupied by structures shall be landscaped and maintained.
17. Any enclosed structure attached to a manufactured home shall be constructed of compatible or similar exterior materials and in conformance with the building code.

²⁹⁵ Standard revised to allow for private streets if private street maintenance is provided.

²⁹⁶ Reworded for clarity, and standard to guide Director's decision added.

²⁹⁷ Reduced from a minimum of 2 spaces.

18. R-MH developments consisting of twenty-five (25) or more manufactured homes shall contain playground facilities. The playground facilities shall be at least one-fourth ($\frac{1}{4}$) acre in size for each twenty-five (25) manufactured homes proposed.
19. No mobile home (as opposed to a manufactured home) shall be placed within any R-MH district established after January 17, 1995, unless a seal issued by the Missouri Public Service Commission is attached to the mobile home certifying that the mobile home was brought up to or otherwise meets the requirements of the code of standards relating to manufactured homes adopted by the Public Service Commission.²⁹⁸

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

²⁹⁸ Reworded to reflect new definitions.

(b) Mixed Use Districts²⁹⁹

(1) M-OF Mixed Use – Office District³⁰⁰

Purpose

This district is intended to provide for professional, administrative, corporate, and other offices and similar low-impact non-residential uses. It may serve as a buffer area between residential and more intense nonresidential uses. It is intended to allow innovative design approaches that reflect and respect the character of nearby residential areas without the need for rezoning to a Planned Development district. The principal uses are small-scale office, personal service, and residential uses, as shown in Table 29-3.1 (Permitted Use Table).³⁰²

TABLE 29-2-6³⁰¹

M-OF DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width at building line	
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard - general	0
Minimum width of side yard – corner lot street side	15 ft.
Minimum width of side yard – adjacent to R district	10 ft.
Minimum depth of rear yard	25 ft.
Maximum height of primary building	45 ft.

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Examples

Insert Picture of M-OF development

Insert Picture of M-OF development

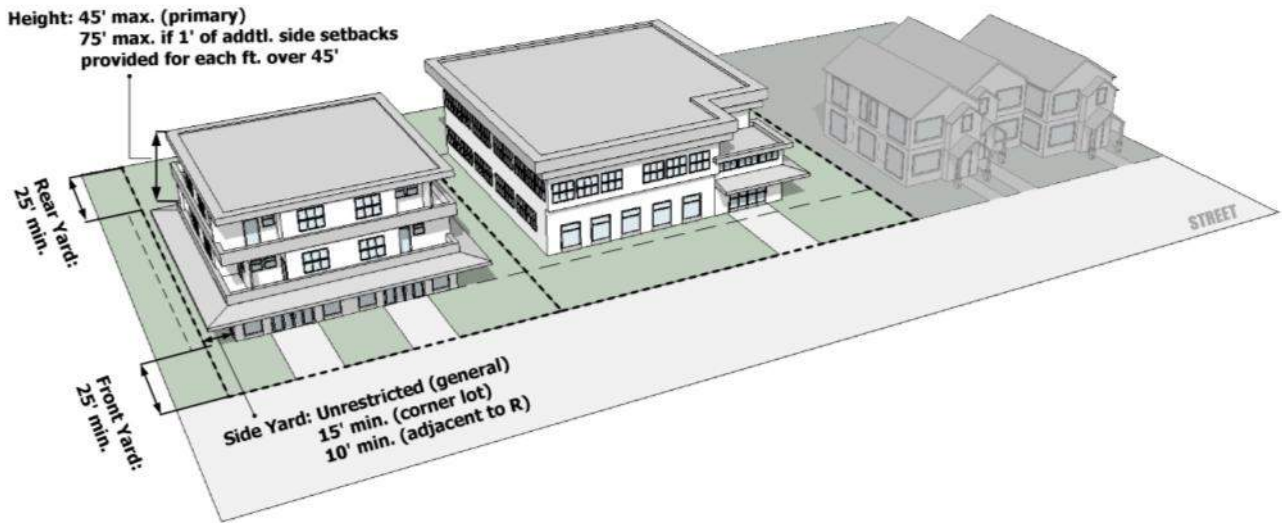
²⁹⁹ New category containing those districts that allow a mix of residential and non-residential primary uses.

³⁰⁰ Consolidates current O-1 and O-2 standards in Sections 29-12 and 29-13.

³⁰¹ Provision allowing height increase to 75 ft. deleted. See Sec. 29-4.1 for other changes from current Code.

³⁰² Revised to integrate purpose statements of current O-1 and O-2 and to reflect the goals of *Columbia Imagined*.

Illustration



Other Standards

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

(2) M-N Mixed Use – Neighborhood District³⁰³

Purpose

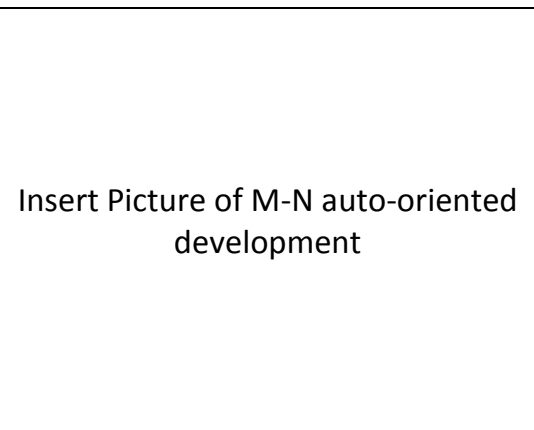
The Mixed Use-Neighborhood district is intended to provide commercial shopping and service facilities in or near a residential neighborhood. The principal land use is a small shopping area with sales and services oriented to the needs of a local population. The district is intended to accommodate both pedestrian-oriented shopping areas with walkable connections to surrounding neighborhoods and small auto-oriented shopping centers convenient to lower density residential areas, through the use of two different sets of development standards. The “pedestrian” standards require approval by the Board of Adjustment pursuant to Section 29-5.4(I). The principle uses are small-scale commercial and residential, as shown in Table 29-3.1 (Permitted Use Table).

TABLE 29-2-7³⁰⁴

M-N DISTRICT DIMENSIONAL STANDARD SUMMARY

	Current	Pedestrian
LOT STANDARDS		
Minimum lot area	N/A	N/A
Minimum lot width at building line	N/A	N/A
BUILDING STANDARDS		
Minimum depth of front yard	25 ft.	0 ft.
Maximum depth of front yard	N/A	10 ft.
Percent of building front width that must be between min. and max. setback lines	N/A	75%
Minimum width of side yard - general	0 ft.	0 ft.
Minimum width of side yard – corner lot street side	15 ft.	0 ft.
Minimum width of side yard – adjacent to R district	10 ft.	10 ft.
Minimum depth of rear yard - general	0 ft.	0 ft.
Minimum depth of rear yard - adjacent to R district	10 ft.	10 ft.
Maximum height of primary building	35 ft.	35 ft.
This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.		

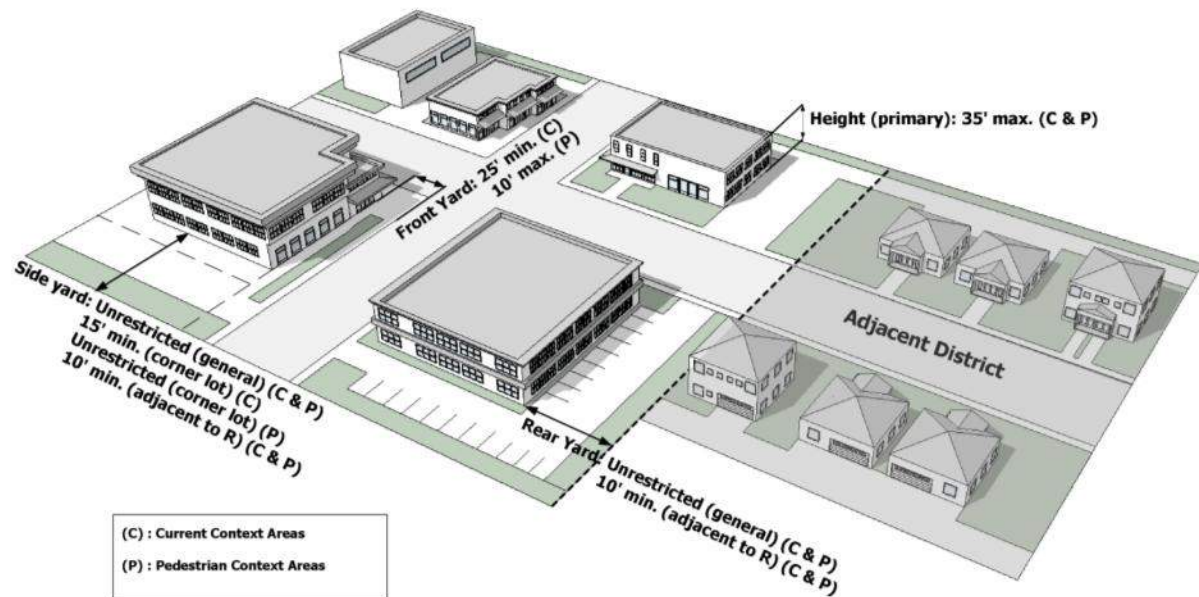
Example



³⁰³ Replaces current C-1 district. Material from current Section 29-14, revised to allow for more pedestrian-oriented development patterns, and with other changes as noted.

³⁰⁴ No changes to this table since Module 1.

Illustration



Other Standards³⁰⁵

Where the applicant requests that the M-N “Pedestrian” standards apply:

1. All property frontages must have sidewalks constructed to City standards.
2. The primary building must have at least one operable pedestrian door leading directly from the primary building onto a sidewalk. For primary buildings located on corner lots, the required pedestrian entrance may be located on the primary street façade or at the corner where the two streets intersect.
3. Ground floor street frontages on each primary building may not be occupied by residential uses but may be occupied by a lobby or entrance to residential portions of the building.
4. At least 50% of the building front façade area between three (3) and eight (8) feet above grade shall be of windows or other transparent materials allowing views into the building.
5. At the applicant’s option, minimum on-site parking requirements may be reduced up to 30% as described in Section 29-4.4 (Parking and Loading).³⁰⁶
6. No on-site loading requirements shall be required.
7. Curb cuts shall only be permitted if access cannot be provided from an alley. Where curb cuts are permitted, they shall not exceed 24 feet in width.

³⁰⁵ New standards, per the Annotated Outline.

³⁰⁶ Revised from 50% in prior draft in response to public comment.

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

(3) M-C Mixed Use - Corridor District³⁰⁷

Purpose

This district is intended to allow for a broad range of commercial activities that may often be oriented toward automobile access and visibility, as well as multi-family residential uses. Larger buildings are permitted and less parking is required near the intersections of arterial-arterial, and arterial-collector corners to promote higher bus transit ridership at these nodes where current bus lines exist or future bus service is anticipated. The “transit” standards require approval by the Board of Adjustment pursuant to Section 29-5.4(I). The principal land uses are sales and service activities, as shown in Table 29-3.1 (Permitted Use Table).³¹⁶

Examples

Insert Picture of M-C development

Insert Picture of M-C development

TABLE 29-2-8³⁰⁸

M-C DISTRICT DIMENSIONAL STANDARD SUMMARY

	Current	Transit
LOT STANDARDS		
Minimum lot area		
Minimum lot width at building line	N/A	N/A
BUILDING STANDARDS		
Minimum depth of front yard ³⁰⁹	25 ft.	0 ft.
Maximum depth of front yard ³¹⁰	N/A	10 ft.
Minimum width of side yard - general	0 ft.	0 ft.
Minimum width of side yard – corner lot street side	15 ft.	10 ft.
Minimum width of side yard – adjacent to R district ³¹¹	20 ft.	20 ft.
Minimum depth of rear yard - general	0 ft.	0 ft.
Minimum depth of rear yard - adjacent to R district ³¹²	20 ft. ³¹³	20 ft. ³¹⁴
Maximum height of primary building ³¹⁵	45 ft.	55 ft.
Maximum height of primary building if 1 ft. of additional setback sides provided for each foot of height over 45 ft.	N/A	N/A

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

³⁰⁷ Replaces current C-3 district. Material from current Section 29-16 with changes as noted.

³⁰⁸ Higher development intensity permitted in current and potential transit-supportive nodes, as referenced in the Annotated Outline.

³⁰⁹ Transit standard revised from 10 ft. to 0 ft. since Module 1.

³¹⁰ New row since Module 1.

³¹¹ Revised from 10 ft. in Module 1.

³¹² Revised from 10 ft. in Module 1.

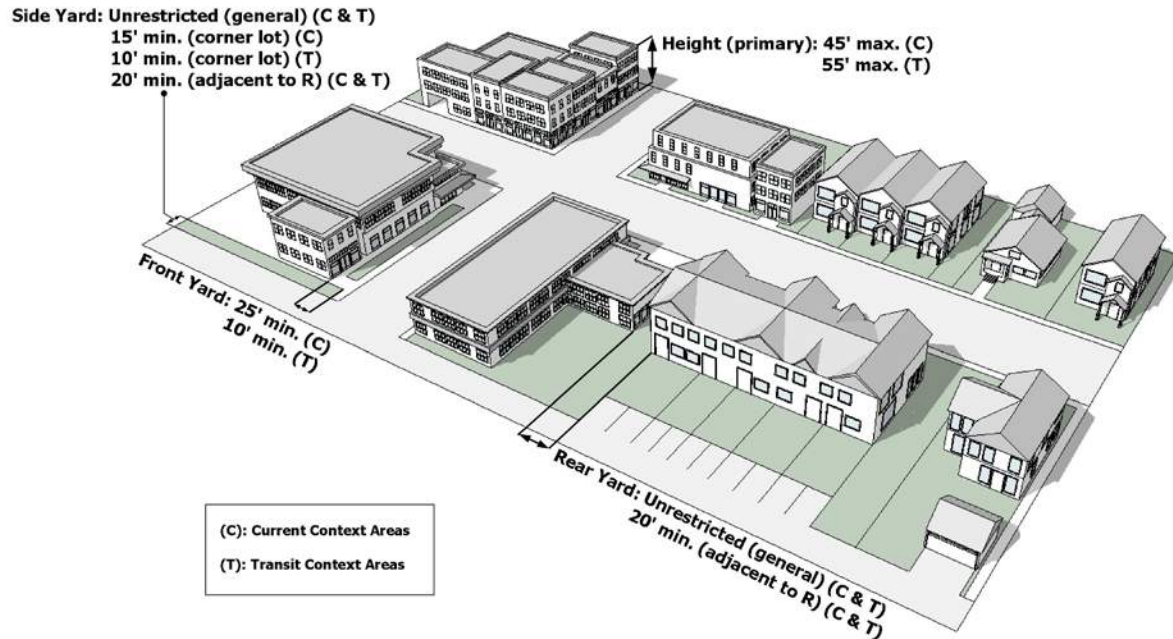
³¹³ Revised from 10 ft.

³¹⁴ Revised from 10 ft.

³¹⁵ Provision allowing increased heights for increased setbacks deleted since Module 1.

³¹⁶ Revised to reflect the goals of *Columbia Imagined* and recommendations in the Annotated Outline.

Illustrations



Other Standards³¹⁷

Where the applicant requests that the M-C “Transit” standards apply:

1. The property shall be located at an arterial street/arterial street or an arterial street/collector street intersection where current bus lines exist or future bus service is anticipated.
2. All property frontages must have sidewalks constructed to City standards.
3. The primary building must have at least one operable pedestrian door leading directly from the primary building onto a sidewalk. For primary buildings located on corner lots, the required pedestrian entrance may be located on the primary street façade or at the corner where the two (2) streets intersect.
4. At least sixty-five (65) percent of the primary building frontage must be built no further than 15 feet from the front lot line.³¹⁸
5. If the building is located on a corner lot, at least forty (40) percent of the secondary building frontage must be built no further than twenty (20) feet from the side lot line adjacent to the secondary street.
6. At the applicant’s option, minimum on-site parking requirements may be reduced up to thirty (30) percent as described in Section 29-4.4 (Parking and Loading).³¹⁹

³¹⁷ New standards, per the Annotated Outline.

³¹⁸ Revised from 20 ft. in prior draft, in response to comment, to prevent any portion of setback area from accommodating parking.

³¹⁹ Revised from 50% in prior draft in response to public comment.

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

(4) M-DT Mixed Use - Downtown Form District³²⁰

Purpose

The M-DT district is intended to encourage investment and reinvestment that reinforces the diverse pedestrian-oriented and walkable street environment in downtown Columbia. Form-based controls are tailored to ensure that the specific characters of different street frontages and subareas is preserved and strengthened, that automobile traffic does not interfere with the primarily pedestrian character of the area, and that areas adjacent to downtown are not adversely affected by buildings of dramatically different scale or character. Form-based controls are tied to a specific Regulating Plan governing what building form and function can be built in different portions of downtown, how those buildings relate to the street, and where accessory parking areas may be located. Almost all uses are permitted except for low density residential and heavier industrial uses, as listed in Table 29-3.1 (Permitted Use Table).

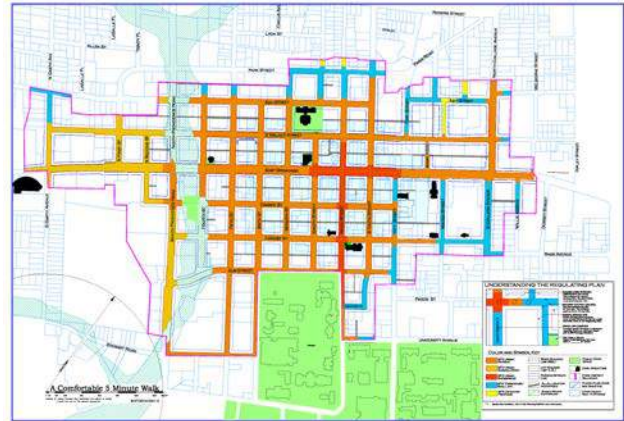


Figure 29-2-9: M-DT Regulating Plan

Examples



Additional Regulations

Development and redevelopment in the M-DT district shall comply with those Building Form Standards in Section 29-4.2 (M-DT Building Form Standards), and shall also comply with all other standards in this Code unless those standards contain an exception for the M-DT district or the type of use, building, or development proposed.

³²⁰ Replaces current C-2 district material in Section 29-15 with new form-based controls.

(5) M-BP Business/Industrial Park District³²¹

Purpose

The purpose of the M-BP district is to accommodate a mix of commercial light industrial, institutional, and multi-family uses in close proximity through the use of innovative and flexible designs that buffer potential impacts of each use from surrounding uses and adjacent areas, and to promote environmentally sound and efficient use of land. A wide variety of commercial, research, development, office, distribution, processing, institutional, and multi-family uses are permitted, as listed in Table 29-3.1 (Permitted Use Table).³²⁷

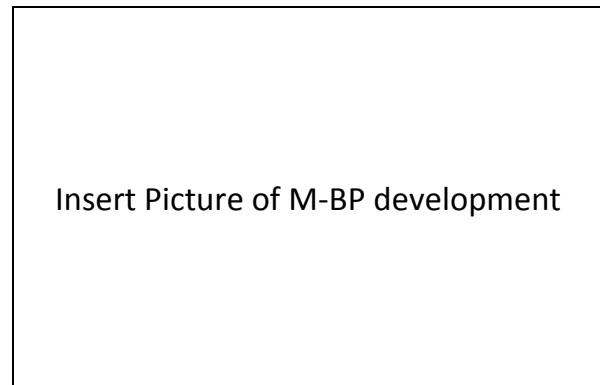
TABLE 29-2-10³²²

M-BP DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width at building line	N/A
BUILDING STANDARDS	
Minimum depth front yard – from arterial and collector streets	25 ft.
Minimum depth front yard – from other streets	15 ft.
Minimum width of side yard - general	0 ft.
Minimum width of side yard – corner lot frontage on arterial or collector street	25 ft.
Minimum width of side yard – corner lot frontage on other streets	20 ft. ³²³
Minimum width of side yard – adjacent to residential district ³²⁴	20 ft.
Minimum depth of rear yard – general	0 ft.
Minimum depth of rear yard – adjacent to residential district ³²⁵	20 ft.
Maximum height of primary building ³²⁶	45 ft.

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Example



³²¹ Material from current M-R district (Section 29-18), with changes as noted.

³²² See Sec. 29-4.1 for any additional changes to dimensional standards.

³²³ Revised from 15 ft.

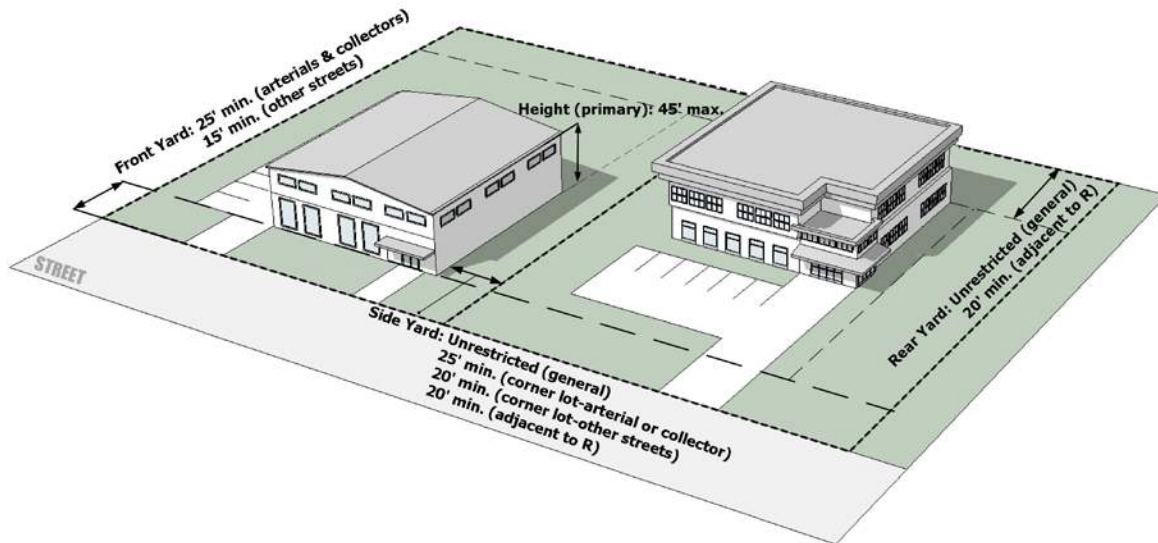
³²⁴ Revised from 10 ft..

³²⁵ Revised from 10 ft..

³²⁶ Provisions for additional building height with additional setbacks were deleted.

³²⁷ Revised for clarity, to emphasize flexibility, and to reflect the goals of *Columbia Imagined*.

Illustrations



Other Standards³²⁸

1. In addition to the standards of Section 29-4.5 (Landscaping and Screening), the following shall be required:³²⁹
 - a. A permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination thereof, at least eight (8) feet in height and, when a fence is used, not to exceed eight (8) feet in height, shall be required where a lot in this district abuts residentially zoned land. The required screening shall have an opacity of at least eighty (80) percent year around and, if landscaping is used, the eighty (80) percent opacity and eight-foot minimum height shall be achieved within four (4) full growing seasons. In the event a masonry wall or wood fence is used, landscaping shall be placed between the wall or fence and the property line to form an ornamental screen. The required screening and landscaping shall be maintained in good order and not allowed to exist in a state of disrepair or death. If wood fencing is used, it shall be durable in nature and treated to prevent rapid deterioration.³³⁰
 - b. All exterior storage areas shall be enclosed by a permanent screen at least eight (8) feet in height above the ground surface of the storage area. In the event that an eight (8) foot screen is inadequate to screen such an area, additional screening may be required in such a manner and of such materials as necessary to adequately screen such from public view. However, in no event shall the screen exceed twelve (12) feet in height, except for landscape materials. In no event shall the stored or stacked materials or finished products exceed the height of the required screening. The required screening shall have an opacity of at least eighty (80) percent year around, and if landscaping is used, the eighty (80) percent opacity shall be achieved within

³²⁸ Additional materials from Section 29-18(d)(6). Provision allowing Council approval of upper floor setback reduction removed since prior draft. Provisions on approval of a signage Development Plan by Council deleted – standard sign controls apply.

³²⁹ Text allowing adjustments in landscaping and screening deleted because now covered in Section 29.4.5(h).

³³⁰ Text requiring landscaping maintenance deleted because now covered by standard provision.

four (4) full growing seasons. When a solid wall, or any solid fence is used for screening, ornamental landscaping shall be placed between the fence and the adjacent property lines. The required screening shall be maintained in good order and not allowed to exist in a state of disrepair or death. If wood fencing is used, it shall be durable in nature or treated to prevent rapid deterioration. Failure to maintain the required screening shall be considered a violation of this chapter.

- c. Exterior storage areas shall have a permanently dust-free surface.
2. The traffic circulation system shall provide for the safe, convenient and efficient movement of goods and people with a minimum of conflict between various modes of travel. The streets within the proposed development shall be public and within a public right-of-way, except private streets may be permitted under the following conditions:
 - a. The streets shall be designed, constructed, and maintained according to any applicable minimum City standards for private streets;
 - b. The streets will serve two (2) or more lots or property in multiple ownership;
 - c. The private streets do not provide the only vehicular access to public streets from other property located outside the development;
 - d. The streets shall be located in designated common areas which shall be platted as a separate lot or lots;
 - e. A notation shall be written on the approved plan and recorded plat which reads: "All maintenance of the private streets shown on this plat shall be the responsibility of the owners association or abutting property owners. No private streets shall be dedicated to nor accepted by the City for maintenance until they have been improved to minimum City standards for public streets."; and
 - f. The street signs for private streets shall indicate "private street" so as to distinguish them from public streets.³³¹
3. A system of pedestrian walkways and/or sidewalks meeting City standards shall be provided and shall connect with existing sidewalk systems or allow for future extensions to activity centers outside the development (i.e., schools, parks, shopping areas, etc.). Sidewalks shall be required along private streets as they would be required for public streets, except that no sidewalks shall be required on the side of a street without any buildings or driveways.³³²
4. The provisions of Section 29-4.10 (Signs) shall apply, except that the requirements pertaining to area, height, placement and number of freestanding signs and on premise wall, canopy and awning signs shall be as approved by the Council as part of the development plan.

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

³³¹ Standard reading "the traffic circulation system shall provide for the safe, convenient and efficient movement of goods and people with a minimum of conflict between various modes of travel" was deleted as too vague to be enforceable.

³³² The vague clause "provisions shall be made for pedestrian travel within the development" was deleted.

(c) Special Purpose Districts³³³

(1) IG Industrial – General District³³⁴

Purpose

The IG district is intended to allow for manufacturing, warehousing, office activities, general industrial uses, and access to underground mining, resource, and storage activities, while protecting surrounding areas from any adverse impacts of those activities. Development may be organized in a planned business or industrial park, or may be in individual buildings on individual lots in older parts of the City. The principal land uses are heavy commercial and industrial uses, as listed in Table 29-3.1 (Permitted Use Table).³⁴⁰

TABLE 29-2-11 ³³⁵

IG DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS ³³⁶	
Minimum lot area	N/A
Minimum lot width at building line	N/A
BUILDING STANDARDS ³³⁷	
Minimum depth front yard	25 ft.
Minimum width of side yard - general	0 ft.
Minimum width of side yard – adjacent to R district ³³⁸	20 ft.
Minimum depth of rear yard	10 ft.
Minimum depth of rear yard – if adjacent to R district ³³⁹	20 ft.
Maximum height of primary building	N/A

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Examples



³³³ New category of districts, including the I-G, A, O, and PUD.

³³⁴ Consolidates current M-C, M-1, and M-U districts; materials from current Sections 29-19, 29-20, and 29-20.1, with changes as noted. Requirements of the M-U district were not carried over, as underground activities are subject to building and health codes. Entrances to underground activities are limited to the IG district.

³³⁵ See Sec. 29-4.1 for additional changes to dimensional standards.

³³⁶ Minimum project size of 22,000 sq. ft. and min. lot width of 100 ft. from current M-C were not carried over.

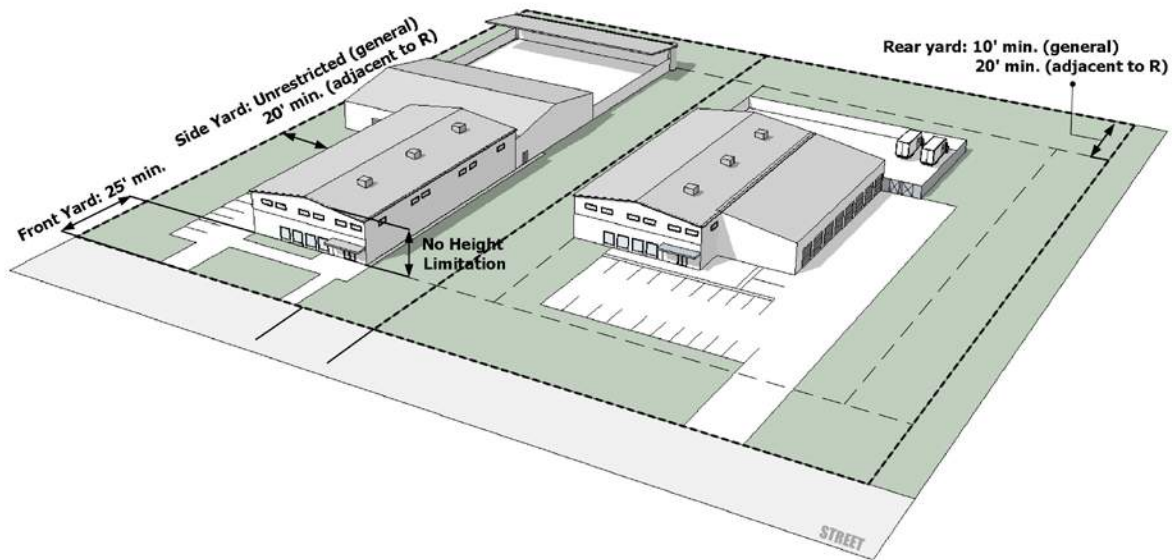
³³⁷ Minimum front setback of 30 ft., rear setback of 30 ft., and side setbacks of 15 ft. from the current M-C district were not carried over.

³³⁸ Revised from 10 ft. in Module 1.

³³⁹ New row since Module 1.

³⁴⁰ Revised to integrate purpose statements from the three included zoning districts.

Illustration



Other Standards³⁴¹

1. No use shall be permitted or so operated as to produce or emit:
 - a. Smoke or particulate matter in violation of the standards of the ordinances of the City.
 - b. Dust, fly ash, radiation, gases, heat, glare, or other effects which are obviously injurious to humans at the property line.
 - c. Vibration or concussion perceptible without instruments at the property line.
 - d. The noise level at any point along the property line shall not exceed:

Octave Band	Decibels
0— 75 CPS	55
75—1,200 CPS	40
1,200—4,800 CPS	25
Above 4,800 CPS	22

- e. Industrial wastes of such quantity and nature as to overburden the public sewage disposal facilities or to cause odor and unsanitary effects beyond the property line.
2. Access to all underground development activities such as commercial mining and storage shall be through property owned or controlled by the owners of the underground space within the IG district.³⁴²

³⁴¹ General industrial performance standards from current Section 29-18 now apply to current M-1 lands (as well as M-C lands). Landscaping and open spaces requirements from current Section 29-18 were not carried over. Industrial lands will now be subject to standard landscaping and screening provisions in Section 29-4.5.

³⁴² Standards 2 through 5 are from the current M-U district.

3. Where applicable, underground space must have a building permit to develop a habitable underground areas and to qualify for a certificate of occupancy.
4. The owners or operators of underground space shall file with the Department a certificate by a Registered Professional Engineer as to the structural integrity of the underground space. Such certificate may provide for exceptions or conditions for building permit approval. The certificate shall be valid for newly added or mined-out areas, if it is so described in the certificate and must have been dated within the past ten (10) years to be valid for its application to new areas.
5. Penetrations from underground space to the surface property above it shall be permitted without regard to the provisions of the IG zoning district, provided that such penetrations are for the purpose of connecting utilities or to contain safety, relief or life-support systems to the underground. All penetrations must be contained within a public easement to assure perpetuity and continued service to the underground development.

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

(2) A Agricultural District³⁴³

Purpose

This district is intended to provide for large-scale agricultural uses contained within the City, certain public uses, and facilities or activities best located in a more isolated area. The principal land use is an agricultural area or public facility. Only one principal dwelling and one second principal dwelling are allowed on each lot.³⁴⁸

TABLE 29-2-12

A DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS ³⁴⁴	
Minimum lot area for agricultural and non-residential uses	2.5 acres
Minimum lot area for residential use	N/A ³⁴⁵
Minimum lot area if no public or community sewer available ³⁴⁶	N/A ³⁴⁷
Minimum lot width at building line	60 ft.
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard	25 ft.
Minimum depth of rear yard	25 ft.
Maximum height of primary building	35 ft.
This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.	

Example

Insert Picture of A development

Insert Picture of A development

³⁴³ Carries over current A-1 district; materials are from current Section 29-21.

³⁴⁴ Minimum dwelling unit size of 650 sq. ft. was not carried over. See Sec. 29-4.1 for other changes to dimensional standards. R-1 residential lot size and width standards were included to avoid fragmentation of land into R-1 lots without rezoning.

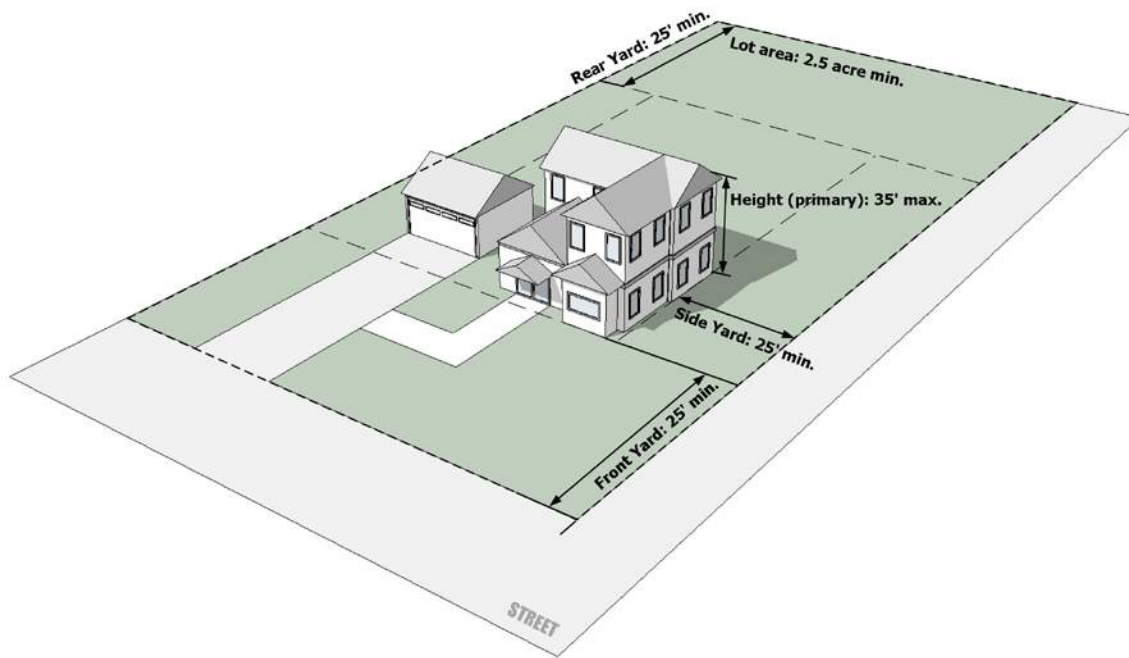
³⁴⁵ Revised from 7,000 sq. ft.

³⁴⁶ New standard since Module 1 to address gap in Code.

³⁴⁷ Revised from 15,000 sq. ft.

³⁴⁸ Purpose statement revised to clarify that only two dwelling units (maximum) are permitted on a lot in the A district. 7,000 sq. ft. minimum lot size will be deleted in Module 2.

Illustration



Other Standards

1. All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.
2. No more than two (2) contiguous residential lots may be created in this district. The creation of additional lots requires rezoning to the R-1 district and approval of a subdivision.³⁴⁹

³⁴⁹ New provision to prevent fragmentation of agricultural land and creation of significant residential areas without compliance with subdivision standards.

(3) O Open Space District³⁵⁰

Purpose

The O district is intended to ensure and regulate the use of publicly owned parks, open space, and nature reserves, as well as designated private open spaces within master planned developments or subdivisions with the consent of the property owner.

TABLE 29-2-13³⁵¹

O DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area for agricultural uses	2.5 acres
Minimum lot area for non-agricultural uses ³⁵²	N/A
BUILDING STANDARDS	
Minimum depth front building setback	25 ft.
Minimum width of side building setback	25 ft.
Minimum depth of rear building setback	25 ft.
Maximum height of primary building	35 ft.

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Example

Insert Picture of public open lands

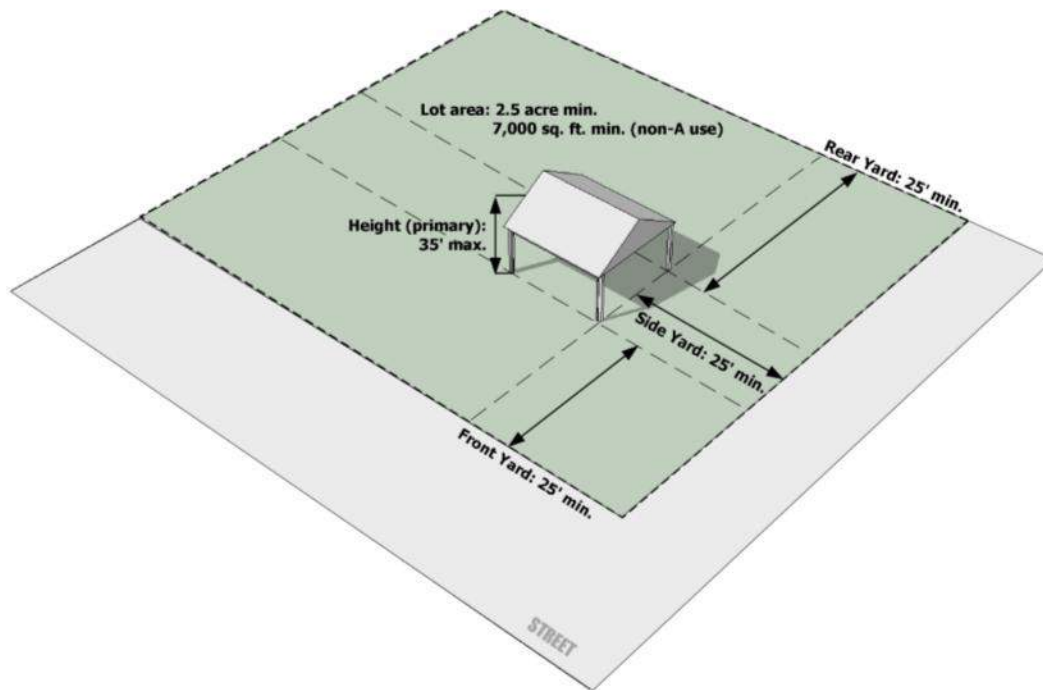
Insert Picture of City park lands

³⁵⁰ New district.

³⁵¹ See Sec. 29-4.1 for additional changes to dimensional standards.

³⁵² Reduced from 7,000 sq. ft. in Module 1.

Illustration



Other Standards

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

(4) PD Planned Development³⁵³

Purpose

The purpose of the Planned Development (PD) district is to allow for innovation and flexibility in design, to encourage creative mixes of complementary uses, and to promote environmentally sound and efficient use of land. The major objectives of a Planned Development are:

1. To allow for a mixture of housing types and densities located in proximity to each other.
2. To allow for mixtures of residential and non-residential uses located in proximity to each other when any potential adverse impacts have been minimized, mitigated, screened or buffered.
3. To provide for more usable and suitably-located common open space and amenities, including but not limited to clustered patterns of development and open space than would otherwise be provided under the City's base zone districts.
4. To require that Planned Developments provide to the City amenities or benefits that help achieve the goals of the *Columbia Imagined* comprehensive plan (as amended) and that are not otherwise required by the base zoning districts in return for the added flexibility in uses and design offered by the PD District.³⁵⁴
5. To ensure that approved Planned Developments are efficient to administer over time.

Eligibility

Any property in the City, except property located in the M-DT zone district, may be rezoned to a PD zone district.

Permitted and Conditional Uses

1. An application for rezoning to a PD district shall identify which of the uses listed in Table 29-3.1 (Permitted Use Table) will be Permitted or Conditional uses in all or specific portions of the PD district.
2. The application may include some of the general uses listed in Table 29-3.1 and state that some of the specific uses included in the definition will not be included in the PD, or that some of the included uses will be subject to different or additional Use-specific Standards than those listed in Section 29-3.3 (Use-specific Standards). If not modified by the PD application, all of the Use-specific standards listed in Section 29-3.3 will apply to the listed Permitted and Conditional uses.
3. The application for rezoning to a PD district may not include any use that is not listed in Table 29-3.1 (Permitted Use Table). Uses not listed in Table 29-3.1 are only available through an amendment to that Table approved by Council in a separate action.

³⁵³ Replaces the current PUD (Section 29.10), O-P (Section 29-13.1), C-P (Section 29-17) and M-P (Section 29-19.1) districts. The ordinance adopting the new Columbia Development Code will clarify that each PUD, O-P, C-P, or M-P zoning approved before the effective date will continue to be regulated by the terms of that approval, but that amendments to those approvals, and new Planned Development approvals, will be subject to the terms of this new, simpler PD district.

³⁵⁴ New provision."

Development and Form Standards

1. The PD application may include variations in any Development or Form standard in Chapter 29-4 that would otherwise be applicable in the PD district. Unless varied by the terms of the PD application, the provisions of Chapter 29-4 (Development and Form Standards) otherwise applicable to the same type of development will apply.
2. If the PD application would permit buildings within 100 feet of the edges of the PD property that are more than one (1) story taller than the tallest building permitted in the adjacent zone district, the PD application shall include provisions to mitigate, screen, or buffer the visual, lighting, and traffic impacts of that taller development on the adjacent zoning district.
3. If the PD application includes non-residential Permitted or Conditional uses within 100 feet of the edges of the PD property abutting any R-1, R-2, R-MF, or R-MH district, the PD shall include provisions to mitigate the traffic, lighting, noise, or hour-of-operation impacts of that non-residential development on the adjacent R-1, R-2, R-MF, or R-MH zoning district.

Procedures for Approval and Administration

The procedures for approval of a Zoning Map change to a PD zoning district, are in Sec. 29-5.4(q)(2).

29-2.3 Overlay Zoning Districts

The following overlay zones are hereby adopted, and each shall have the boundaries shown on the Official Zoning Map maintained by the Department. The provisions of each overlay zone district supplement or modify the standards and requirements of the underlying base zone district. In case of a conflict between the provisions of the overlay zone district and an underlying base zoning district, the provisions of the overlay zoning district shall apply. In case a property is included in two (2) or more overlay districts, and the provisions of one or more overlay districts conflict, the more restrictive overlay district provision shall apply.

(a) UC-O Urban Conservation Overlay³⁵⁵

(1) Purpose

The UC Urban Conservation District is intended to promote the health, safety, and general welfare of the public by encouraging the conservation and enhancement of the urban environment. The purposes of the district are:

- (i) To maintain neighborhood character and integrity by focusing special attention on the maintenance of the physical environment; the enhancement of physical, social and economic resources and the accommodation of desirable change;
- (ii) To promote the efficient use of urban lands including the encouragement of compatible infill development on vacant and passed-over parcels;
- (iii) To encourage and to support rehabilitation of the physical environment and programs for the conservation of urban areas; and
- (iv) To foster the harmonious, orderly, and efficient growth, development, and redevelopment of Columbia.
- (v) To recognize and protect specific property, neighborhoods and roadway corridors of special historic, architectural or scenic qualities.

(2) Description

Urban Conservation District overlay zoning may be used with any zoning district if approved pursuant to this Section 29-2.3(a). All regulations of the underlying zoning district shall apply to property within the Urban Conservation District except where modified by the designation ordinance. Areas, tracts, or sites within the UC District shall be identified on the official Zoning Map and in other official writings by the suffix "UC." Once approved, all development and redevelopment in the UC-O area shall be required to comply with the provisions of the UC-O designating ordinance, and the provisions of that ordinance shall be applied in review of all applications by the Department and the Commission.³⁵⁶

³⁵⁵ Carries over materials from current Section 29-21.1, with wording revised for clarity throughout, and with changes as noted to make this tool more effective and to list those UC-Os that have been adopted to date.

³⁵⁶ Last sentence added to clarify that approved UC-O provisions are binding on all development and redevelopment in the area.

(3) Approved UC-O Districts³⁵⁷

The following UC-O Districts have been approved by the Council, and the regulations applicable in each district are on file with the Department. The provisions of each UC-O affect the areas shown for that district below.

(i) Benton-Stephens Neighborhood UC-O



³⁵⁷ New section.

(ii) East Campus UC-O



(4) Designation Procedure

The City may designate areas, tracts or sites for inclusion in an Urban Conservation District pursuant to Section 29-5.4 (s) (Ordinance Text and Zoning Map Amendments) subject to compliance with this section.

- (i) A proposal to designate a UC-O may be made by the Council, or by Council recognized neighborhood organizations of the area to be designated, or by property owners in the area to be designated. If not initiated by Council, the application requires (a) a petition signed by the owners of fifty (50) percent or more of the parcels of land within the boundaries of the proposed district or property owners representing fifty (50) percent or more of the area of land to be designated³⁵⁸ and (b) a statement documenting the conditions justifying a UC-O designation and the purposes and intent of the designation.
- (ii) If the Director confirms that the application meets the requirements of subsection i above, the City shall work with the applicants to prepare a draft ordinance reflecting the intent of the application, and the Planning and Zoning Commission shall hold a public hearing and notice shall be given to all owners of affected property in accordance with the requirements of Section 29-5.3 (c) (Notice of Public Hearing).
- (iii) The Commission may solicit and present expert testimony or documented evidence regarding the importance and effects of urban conservation within the proposed district. Testimony from neighborhood organizations affected shall be directly solicited and considered by the Commission.
- (iv) Following a public hearing and recommendation from the Commission, Council shall take action on the application pursuant to Section 29-5.4(q) (Ordinance Text and Zoning Map Amendments).

³⁵⁸ Reference to 50 percent of land area has been added to enable petitions supported by large property owners in the area even if that reflects less than 50 percent of the parcels.

- (v) An application to amend an approved UC-O designation may be initiated and shall be reviewed and may be approved using the same procedures used for designation of the UC-O.

(5) Designation Ordinance³⁵⁹

The ordinance designating the UC-O shall identify the district boundaries, which shall be compact, contiguous and uniform, and may also include provisions governing:

- (i) Permitted, conditional, or prohibited use of land;
- (ii) Use-specific Standards for particular uses of land;³⁶⁰
- (iii) Density or intensity of land use such as minimum lot size, maximum floor area, floor area ratios, number of dwelling units per acre, minimum lot area per dwelling unit, or other related provisions;
- (iv) Area and bulk restrictions including setbacks, maximum lot coverage, height controls, open space requirements and other related provisions;
- (v) Parking regulations such as the number of required spaces per type of use, the location and design of parking areas, lighting, and other related provisions;
- (vi) Landscaping and screening; and
- (vii) Sign regulations.

(6) Designation Criteria³⁶¹

The Commission may recommend approval of a UC-O, and Council may approve a UC-O, if it determines that the following criteria are satisfied:

- (i) A substantial portion of the property owners, residents or tenants of the proposed UC-O area desire and support urban conservation efforts;³⁶²
- (ii) District designation conforms to adopted City plans and policies; and³⁶³
- (iii) UC-O designation would be an appropriate and effective method for conserving the existing area and preventing development that would erode that character.

(b) SR-O Scenic Roadway Overlay³⁶⁴

³⁵⁹ Provisions for historic preservation have been deleted, since those were contingent on Council establishing a historic preservation Commission and procedures, which has not happened. Historic structure designation and protection should be conducted through that process, not through the UC-O. Similarly, provisions for protection of Scenic Roads were not carried over, because those can be protected through the SR-O.

³⁶⁰ New provision to strengthen this tool.

³⁶¹ These criteria have been simplified and clarified, with vague language removed, but the code now requires that the Council make all three findings rather than one of six.

³⁶² Revised to clarify that the finding is not that all or a majority of these groups need to be in support. The designation of a UC-O – like all zoning – is a legislative action based on the Council’s opinion of the best interests of the City. Formal opposition is still available through the zoning protest process.

³⁶³ Drafting error corrected based on public comment.

³⁶⁴ Carries over current Section 29-21.2, with wording revised for clarity, and with revisions as noted.

(1) Purposes

The SR-O district is intended to promote the conservation, preservation and enhancement of the scenic, natural and historic qualities and landscape of scenic roadway areas as well as promoting the health, safety and general welfare of the public. The purposes of the district are:

- (i) To preserve the scenic character of designated roadways and, where possible, preserve scenic views from the roadways.
- (ii) To maintain the natural beauty of the landscape as it currently exists along designated roadways.
- (iii) To encourage development that is compatible with and, where possible, enhances such natural beauty.
- (iv) To encourage safe and efficient traffic flow along designated scenic roadways for all modes of travel.

(2) Minimum Width of SR-O

The minimum lot width at the right-of-way line of a designated scenic road for R-MF and nonresidential zoning districts shall be three hundred (300) feet.

(3) Approved SR-O Districts³⁶⁵

The following SR-O Districts have been approved by the Council, and the regulations applicable in each district are on file with the Department. The provisions of each SR-O affect the areas shown for that district below.

³⁶⁵ New section.

(i) Rocky Quarry Road



(4) Site Development Regulations

All land and buildings within an approved SR-O district shall comply with all regulations of the underlying zoning district and applicable sign regulations, unless modified by one of the following, in which case the standards in this subsection (3) shall apply:

- (i) *Underground utilities.* All on-site utilities shall be located underground unless required by the utility to be otherwise located.
- (ii) *Vegetative buffer.* The existing vegetative buffer shall be maintained on any part of the property that is located (a) within seventy-five (75) feet of the centerline of a local residential street, or (b) within eighty-three (83) feet of the centerline of a collector street, or (c) within one hundred (100) feet of the centerline of an arterial street. Installed landscaping may be added to the vegetative buffer area to meet screening requirements defined elsewhere in this Code.
- (iii) *Addressing.* Where building addressing requirements of Chapter 24 cannot be met due to the vegetative buffer or a building's distance from the roadway, the address or addresses shall be clearly marked at the roadway's edge by the property owner in a manner acceptable to the Director.
- (iv) *Signs.* The sign regulations of Chapter 23 shall apply, except where modified in this subsection. Only monument signs are allowed. A monument sign is a sign attached directly to the ground or a base attached directly to the ground and not supported by poles, uprights or braces. Internal lighting of signs, neon or flashing signs, and roof signs

shall not be permitted. All spotlights and exterior lighting shall be oriented away from adjacent properties and the scenic roadways.

- (v) *Building floodlighting.* Building floodlighting is not permitted in nonresidential zoning districts within the scenic roadway area.
- (vi) *Minimum driveway spacing.* The minimum distance between the center of driveways onto a designated scenic roadway shall be two hundred twenty (220) feet for any tract, lot or parcel. No tract, lot or parcel shall have more than two (2) driveways.

(5) Designation Procedure

The following procedure shall be followed in designating scenic roadways:

- (i) A proposal to designate a scenic roadway may be made by (a) the Council, or (b) an application by interested citizens, citizen groups or a recognized neighborhood organization, or (c) an application signed by owners of fifty (50) percent or more of all parcels of land with frontage along the proposed scenic roadway segment.
- (ii) The Council action or interest group/property owner application must include a statement identifying the criteria set forth in subsection 6 below that support the scenic roadway designation and shall state the purposes and intent of the designation.
- (iii) City staff shall prepare a report for the Commission, and the Commission shall hold a public hearing on the SR-O designation request. The staff report and the recommendations of the Commission shall be forwarded to the Council, which will conduct a public hearing to take action on the proposed designation.

(6) Designation Criteria

The Commission may recommend approval of an SR-O, and Council may approve an SR-O, if it determines that the following criteria are satisfied:

- (i) The street affords the opportunity for the public to enjoy the natural beauty of hills, valleys, creek bottoms or vegetation;
- (ii) The street is adjacent to significant natural landscape elements such as undisturbed native tree associations, rock formations and old growth trees;
- (iii) The street offers scenic views or vistas from the roadway;
- (iv) The street traverses or is adjacent to environmentally sensitive areas such as wetlands, woodlands, park land or private conservation areas.
- (v) In all instances, the proposed scenic roadway shall be comprised of contiguous roadway sections and have readily identifiable termini such as creeks, bridges, arterial streets or other prominent physical landmarks.

(7) Plan, Design, and Management

- (i) Within ninety (90) days after designation of an SR-O district by Council, the Public Works Department³⁶⁶ shall initiate a corridor study and planning process, to identify existing conditions, estimate future land use and transportation infrastructure needs, and work

³⁶⁶ Revised to clarify that Commission is not responsible for this activity, in response to comment.

with an appointed stakeholder advisory group to determine values and preferences regarding scenic preservation and roadway design within and along the corridor. The corridor plan shall result in the development of goals, objectives, policies and recommendations to guide future land use, transportation planning, and design decisions.

- (ii) The Council shall appoint a corridor plan stakeholder advisory group of up to fifteen (15) members with the following composition. One-third (1/3) shall be residents who live along the affected scenic road corridor, including at least one (1) resident property owner; one-third (1/3) shall be representatives of the general public, who may be from various interested citizen groups; and one-third (1/3) shall be officials, including members of the Commission, the Environment and Energy Commission, the Parks and Recreation Commission, the Bicycle and Pedestrian Commission, the Department staff, and the Council member from the affected ward.
- (iii) With input from the advisory group, the Public Works Department³⁶⁷ staff shall prepare the corridor plan. The Commission shall hold a public hearing on the scenic roadway corridor plan, and the staff report and the recommendations of the Commission shall be forwarded to the Council. The Council will conduct a public hearing to take action on the proposed corridor plan.

(8) Roadway Design

Roadway design, including the design of proposed alterations and improvements, shall be coordinated with the City's capital improvement project schedule and shall substantially conform to the adopted corridor plan, as set forth below. Public input shall be collected by the public works department during the design phase.

- (i) *Timing.* Any improvements recommended by the corridor plan should be considered for inclusion in the City's capital improvement program, which is used to coordinate scheduling, funding, design, and construction of future capital projects, and is subject to Council approval.
- (ii) *Consistency with corridor plan.* The design shall be consistent with the goals, objectives, policies, and recommendations of the corridor plan. Pedestrian and bicyclist facilities and access management shall also be considered in the roadway design, understanding that design options that are away from the road may need to be designed to preserve and enhance the scenic quality of the road.
- (iii) *Stakeholder advisory group.* The stakeholder advisory group shall weigh the level of service needs of all intended roadway users against S-R district preservation goals in proposing specific design options for the roadway.
- (iv) *Modifications to City roadway design standards.* Modifications to the applicable roadway design standards should be considered to aid in preserving scenic characteristics of the roadway. The use of materials that blend into and complement the scenic characteristics of the roadway, including, but not limited to, stone and timber, should be used for bridges, guard rails, guideposts and other engineered structures, provided that they meet safety standards set forth in The American Association of State

³⁶⁷ Department staff clarified since prior draft.

Highway and Transportation Officials Roadside Design Guide. Scenic road curves should be retained as much as possible, speed limited, and no curve banking.

- (v) *Public involvement process.* Public involvement during the scenic roadway design phase shall consist of regular pre-design stakeholder input meetings, as needed, to fully address design issues, followed by at least one (1) additional stakeholder input meeting once a preliminary design has been completed by the Public Works Department. Upon completion of a preliminary roadway design, City staff shall prepare a report for the Planning and Zoning Commission. The Commission shall hold a public hearing on the proposed design. The recommendations of the Planning and Zoning Commission and the staff report shall be forwarded to the Council, which will conduct a public hearing in accordance with the standard public improvement process set forth in chapter 22 and take action on the proposed roadway design.

(9) Routine Maintenance

The City shall maintain scenic roadways in good repair and in passable condition by routine maintenance. However, such routine maintenance shall be performed in a manner to protect and maintain the scenic characteristics of the roadway to the extent feasible. For the purposes of this section, the term "routine maintenance" shall include:

- (i) Road cleaning, including removal of snow or other debris from the road surface.
- (ii) Removal of dead, seriously diseased or damaged trees and branches that pose a threat to public safety; trimming branches to allow school buses, emergency vehicles, and other vehicles to pass; (the corridor plan may prohibit larger vehicles from using the road or they may be limited by the Council to preserve the scenic quality of the road); trimming and removal of brush and removal of boulders and other obstacles that encroach on the traveled portion of the road or obstruct established sight lines required for safety; necessary cutting and trimming of brush or trees for utility lines (as established in the corridor plan); and trimming of brush to enhance and protect scenic views, stone walls, mature trees, and other scenic characteristics of the scenic road as set forth in its designation.
- (iii) The correction of road drainage problems, including, but not limited to, the removal of trees, shrubs, silt and other material from existing drainage structures, and the replacement of cross culverts, drains and cross culvert drainage pipes. If correction of the problem involves removing the vegetative buffer, then this must come before the stakeholder advisory group for the group's input and approval.
- (iv) Graveling (or its equivalent) and grading to smooth the surface of unpaved roads, provided that the nature and characteristics of the material used on the road surface remains the same or the surface is restored to a prior passable condition using natural materials such as crushed rock or native stone or the equivalent.
- (v) Repaving, retreatment, or repair of existing paved surfaces, curbs and gutters, that does not require the widening of the traveled path or the removal of trees or stone walls or changing the grade or configuration. For purposes of this subsection, "widening of the traveled path" means extending the traveled path beyond its width prior to repaving. Periodic edging out to maintain unpaved shoulders shall be considered routine maintenance if it does not remove the existing vegetative buffer.

- (vi) Repair or replacement of existing bridges, guard posts, rails and other engineered structures, in accordance with the corridor plan.
- (vii) Installation of signs, including reflectors, warning, speed limit, and other roadway signs that are installed in accordance with standards set forth in the *Manual on Uniform Traffic Control Devices*, or any successor publication used for the same purpose by the Public Works Department.³⁶⁸

(10) Alterations and Improvements

Any proposed alteration or improvement to a scenic roadway shall follow the public involvement process for roadway design above. For the purposes of this section, the terms "alteration" and "improvement" are defined as any change to the roadway, other than routine maintenance, including the following:

- (i) Any change to the width of the traveled path of the right-of-way,
- (ii) Any change to the alignment, grade or elevation of the roadway,
- (iii) Any change to the nature and characteristics of the material used on the road surface,
- (iv) The removal of visible boulders that do not pose a safety hazard,
- (v) The removal or cutting of trees, shrubs, or other vegetation within the un-traveled portion of the road,
- (vi) The installation of new bridges, guard posts, rails and other engineered structures where no such structure currently exists, and
- (vii) The installation of sidewalks, pedways, bike paths, or nature trails.

(c) HP-O Historic Preservation Overlay³⁶⁹

(1) Purpose

The purpose of this section is to promote the economic, cultural, educational, and general welfare of the City by:

- (i) Conserving and improving the value of property within the HP-O district;
- (ii) Protecting and enhancing the attractiveness of the City to home buyers, home owners, residents, tourists, visitors, and shoppers, thereby supporting and promoting business, commerce, industry, and providing economic benefit to the City;
- (iii) Providing a mechanism to identify and preserve the distinctive historic and architectural characteristics of the City;
- (iv) Fostering civic pride in the aesthetics and cultural accomplishments of the past as represented in the City's landmarks and historic areas;
- (v) Fostering and encouraging preservation, restoration, and rehabilitation of structures, areas, and neighborhoods; and

³⁶⁸ Last phrase has been added.

³⁶⁹ Carries forward current Section 29-21.4, reworded for clarity, and with changes as noted.

- (vi) Promoting the use of landmarks and historic areas for the education, pleasure, and welfare of the people of the City.

(2) Historic Preservation Commission

- (i) The Historic Preservation Commission is hereby established, and shall consist of seven (7) members appointed by the Council each of whom shall serve without compensation. Every attempt should be made to establish a balance of representation among members, and all Commissioners should have a demonstrated interest in historic preservation. Of the seven (7) members, there should be one with background and expertise in historic preservation and one with background and expertise as a real estate investor. The other five (5) members should include representatives from such disciplines as: architecture, design, law, real estate appraisal, and construction/general contracting, as well as a lay person active in historic preservation.
- (ii) Two (2) of the initial members shall serve terms of one year, two (2) shall serve terms of two (2) years and three (3) shall serve terms of three (3) years. Thereafter, the terms of office for members of the Historic Preservation Commission shall be three (3) years. Vacancies shall be filled for the unexpired terms only.
- (iii) The Historic Preservation Commission shall elect from its members a chair, a vice-chair and a secretary. Officers shall serve for one (1) year and shall be eligible for reelection. The chair shall preside over all meetings. In the absence of the chair, the vice-chair shall preside. The secretary shall prepare minutes and other necessary records of Historic Preservation Commission meetings.
- (iv) The Historic Preservation Commission shall meet regularly and at the call of the chair. A quorum shall consist of four (4) members. The chair of the Commission is authorized to excuse any member from attendance at a Commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) percent of the regular Commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the Council of the vacancy. The Commission shall act upon all completed applications for Certificates of Appropriateness and economic hardship at the meeting.

(3) Powers and Duties

The Historic Preservation Commission shall have the following powers and duties:

- (i) To adopt its own by-laws and procedural regulations, provided that such regulations are consistent with this Code, other ordinances of the City, and State law.
- (ii) To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state or City; and to maintain the research information in an inventory accessible to the public (except for archaeological site locations, which shall be restricted).

- (iii) To investigate and recommend to the Planning and Zoning Commission and Council the adoption of ordinances designating for protection areas as having special cultural, historic, archaeological, community or architectural value as "notable property."
- (iv) To investigate and recommend to the Planning and Zoning Commission and the Council the adoption of ordinances designating for protection properties or structures having special cultural, historic, archaeological, community or architectural value as "landmarks."
- (v) To investigate and recommend to the Commission and the Council the adoption of ordinances designating for protection areas as having special cultural, historic, archaeological, community or architectural value as "historic districts."
- (vi) To keep a register of all properties and structures which have been designated as "notable properties," "landmarks" or "historic districts," including all information required for each designation.
- (vii) To confer recognition upon the owners of "notable properties," "landmarks" and property or structures within "historic districts" by means of certificates, plaques or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one "notable property," "landmark" or "historic district" to another.
- (viii) To advise and assist owners of historically significant property or structures on physical and financial aspects of preservation, renovation, rehabilitation and reuse.
- (ix) To nominate "notable properties," "landmarks" and "historic districts" to the National Register of Historic Places, and to review and comment on any nominations to the National Register of Historic Places.
- (x) To inform and educate the citizens of the City concerning the historic, archaeological and architectural heritage of the City through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the City, the Commission or other appropriate parties.
- (xi) To review applications for construction, alteration, removal or demolition affecting historically significant property. To hold public hearings on proposed or designated "landmarks" or structures within "historic districts" and issue or deny Certificates of Appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications and other information as may be necessary to make decisions.
- (xii) To hold public hearings on each proposed nomination of a National Register Landmark and of a "historic district" and on the guidelines developed for each nomination.
- (xiii) To recommend that the Director issue a stop work order for any construction, alteration, removal or demolition which would require a Certificate of Appropriateness for which a certificate has not been issued or to stop work that violates the conditions of a certificate.
- (xiv) To consider applications for certificates of economic hardship that would allow the performance of work for which a Certificate of Appropriateness has been denied.

- (xv) To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction or removal of designated "landmarks" or property and structures within historic preservation overlay districts.
- (xvi) To review and comment on proposed zoning amendments, applications for special use permits or applications for zoning variances that affect historically significant property, including but not limited to proposed or designated "notable properties," proposed or designated "landmarks" or "historic districts."
- (xvii) To call upon available City staff members as well as other experts for technical advice.
- (xviii) To advise the Council on the need to retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time.
- (xix) To testify before all boards and Commissions, including the Planning and Zoning Commission and the Board of Adjustment, on any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas.
- (xx) To review any proposed change of zoning, zoning variance or any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas, upon referral from the Planning and Zoning Commission or Council.
- (xxi) To make recommendations to the Council concerning budgetary appropriations to further the general purposes of this ordinance.
- (xxii) To develop a preservation component in the Comprehensive Plan and to recommend it to the Planning and Zoning Commission and to the Council.
- (xxiii) To periodically review the Columbia Development Code and to recommend to the Planning and Zoning Commission and the Council any amendments appropriate for the protection and continued use of historically significant property, "notable property," "landmarks" or property, sites and structures within "historic districts."
- (xxiv) To review and comment on applications for demolition permits referred to the Commission by the building official pursuant to the City's adopted building code(s). The Commission may advise the property owner of any historical significance of the building to be demolished and recommend alternatives. The Commission may document historic resources to be demolished. The Commission shall have no authority to deny an application for a demolition permit.

(4) Applicability³⁷⁰

The provisions of this Section 29-2.3(c) shall apply to all property designated as a historic landmark or historic district as set forth in the sections that follow, subject to the clarifications and exceptions listed in the subsections below.

- (i) *City Property*. Proposed improvements, alterations, demolition or clearance to a building, site, structure, or object owned by the City which has been designated a landmark or is

³⁷⁰ New section that collects existing regulations related to whether various types of property are subject to, or exempt from, these procedures.

within a historic district shall be approved according to the procedures and regulations of this Section 29-2.4.

- (ii) *Property Owned by Public Agencies.* To accomplish the purposes of this ordinance, the City may enter into agreements with other units of government. The Historic Preservation Commission may recommend and the Council may authorize such agreements. Such agreements may address, designation of landmarks and historic districts; administration of historic preservation fund resources; improvements to landmarks, properties in historic districts, and properties adjacent to landmarks and historic districts; and other mutually acceptable provisions.
- (iii) *Religious Institutions.* Religious Institutions in current use as houses of worship are exempt from the provisions of this section.³⁷¹
- (iv) *Prior permits.* Nothing contained in this section shall affect any Building Permit, Demolition Permit or Land Disturbance Permit issued for property which becomes part of the HP-O district if the permit was issued prior to such designation.

(5) Landmark and Historic District Designation Procedure

- (i) A petition to designate a landmark may be made only by the owner(s) of the proposed landmark. A petition to designate a historic district may be made only by the owners of at least 60 percent of the Boone County tax map parcels in the proposed historic district. If a tax map parcel has more than one owner, all such owners must sign any petition mentioned in this section before the parcel shall be counted as supporting the petition and the parcel shall receive only one vote, regardless of the number of owners.
- (ii) A petition to designate a landmark or historic district shall be on a form provided by the Director and approved by the Historic Preservation Commission. The petition shall clearly identify all historic and architectural features proposed for regulation. The petition shall identify the facts which support a determination that the proposed landmark or historic district meets the criteria for designation set forth below. Except as otherwise provided in this section, the petition shall be handled in the same manner as a petition for rezoning. Prior to setting a date for a public hearing before the Planning and Zoning Commission, the Director shall forward a copy of the petition to the Historic Preservation Commission for its review. The Historic Preservation Commission shall prepare a report to the Planning and Zoning Commission and the Council setting forth its recommendation on whether the proposed landmark or historic district meets the criteria for designation set forth in this section.
- (iii) Not less than sixty (60) days prior to the circulation of any petition herein within a district or to create a district, affected Boone County tax parcel owners must be notified by certified mail of the nomination or other matter on which a petition is to be circulated, and all proposed regulations shall be clearly identified. Proof of such mailing shall be made to the Historic Preservation Commission at the time it considers the petition, and the cost of the mailing shall be borne by the person or organization sponsoring or otherwise promoting the petition.³⁷²

³⁷¹ Prohibition against houses of worship voluntarily submitting to historic preservation controls was removed. This provision exists to prevent interference with the “free exercise of religion” under the First Amendment.

³⁷² Provision relocated from District standards to Designation Procedure.

- (iv) The ordinance placing property within the HP-O district shall designate the property as a landmark or as a historic district. The ordinance may designate a structure within a historic district as a landmark. The ordinance shall identify all historical and architectural features that shall be subject to regulation. No interior features shall be identified in any structure in a historic district unless the structure is designated as a landmark.
- (v) Overall boundaries for local historic districts shall be determined by the same standards used by the National Register of Historic Places, as laid out in Defining Boundaries for National Register Properties: National Register Bulletin 21 (Washington D.C.: U.S. Department of the Interior, 1995; rev. 1977).³⁷³ Gerrymandering that has the apparent effect of overwhelming significant areas of opposition is prohibited.

(6) Criteria for Designation

In order to be designated as a landmark or historic district, a structure or district must have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration and it must meet one or more of the following criteria:

- (i) It has character, interest, or value as part of the development, heritage, or cultural characteristics of Columbia, Boone County, Missouri, or the United States.
- (ii) It is the site of a significant local, county, state or national event.
- (iii) It is identified with a person or persons who significantly contributed to the development of Columbia, Boone County, Missouri, or the United States.
- (iv) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.
- (v) It is the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of Columbia, Boone County, Missouri, or the United States.
- (vi) It contains elements of design, detailing, materials, or craftsmanship which renders it architecturally significant.
- (vii) It contains design elements that are structurally or architecturally innovative.
- (viii) Its unique location or physical characteristics make it an established or familiar visual feature of the neighborhood or City.
- (ix) It has yielded or may likely yield information important in prehistory or history.
- (x) Its character as a particularly fine or unique example of a utilitarian structure, with a high level of integrity or architectural significance.
- (xi) Its suitability for preservation or restoration.
- (xii) It is at least fifty (50) years old or of most unusual historical significance.

(7) List of Designated Local Historic Districts and Landmarks

- (i) David Guitar House, 2815 Oakland Gravel Road (District)

³⁷³ Citation revised to note 1977 revisions.

- (ii) Miller Building, 823 East Broadway (District)
- (iii) Taylor House Inn, 716 West Broadway (District)
- (iv) Wright Brothers Mule Barn (now Fay Street Lofts), 1101 Hinkson Avenue (District)

(8) Certificate of Appropriateness Required

A Certificate of Appropriateness shall not be required for interior construction or alteration of any structure in a historic district unless the structure has been designated a landmark. A Certificate of Appropriateness shall be required before the following actions affecting any historic or architectural feature identified in the ordinance placing the property in the HP-O district may be undertaken:

- (i) Any construction, alteration, removal, or any demolition in whole or in part regardless of whether a permit from the City is required.
- (ii) Any construction, alteration, removal or demolition, in whole or in part, proposed by the City, for a City-owned landmark or structure within a historic district.

(9) Certificate of Appropriateness Procedure

- (i) An application for a Certificate of Appropriateness shall be made on forms provided by the Director and approved by the Historic Preservation Commission. The application shall identify the facts which support a determination that the proposed actions meet the standards for review and design guidelines set forth in subsection (9) below.
- (ii) After determining that the application for Certificate of Appropriateness is complete, the Director shall schedule the application for consideration by the Historic Preservation Commission within a reasonable time. If a fully completed application for a Certificate of Appropriateness has not been acted upon within forty (40) days after the date the application was filed with the Director, it shall be deemed approved, unless tabled or continued with the consent of the applicant. No motion to table or continue shall be made without the consent of the applicant. The Director shall conspicuously place a sign on the property giving public notice of the meeting at which the application shall be considered. The sign shall be placed at least seven (7) days prior to the meeting.
- (iii) Any person aggrieved by the decision of the Historic Preservation Commission may appeal to the Board by filing a notice of appeal with the City Clerk within thirty (30) days of the decision of the Historic Preservation Commission. Notice of the Historic Preservation Commission's decision shall be mailed to the applicant unless the applicant or the applicant's agent was present at the meeting at which the decision was made. The Board shall provide a hearing and render a decision in accordance with the provisions of R.S.Mo. Chapter 536.

(10) Standards for Certificate Decision and Design Guidelines

In considering an application for a Certificate of Appropriateness, the Historic Preservation Commission shall be guided by the following standards, and design guidelines in addition to any area-specific design guidelines included in the ordinance designating the landmark or historic district.

- (i) Reasonable efforts shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- (ii) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (iii) Building alterations that have no historical basis and which seek to create an earlier appearance shall not be allowed.
- (iv) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. When these changes have acquired significance in their own right, they shall be treated the same as if they were part of the original structure.
- (v) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be preserved when possible.
- (vi) Deteriorated architectural features shall be repaired, rather than replaced, whenever practicable. If replacement is necessary, the new material should match the material being replaced in design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based upon accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (vii) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (viii) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- (ix) Contemporary design for alterations and additions to existing properties and for new construction may be permitted when such alterations, additions or new construction do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, material and character of the property, neighborhood or environment.
- (x) Whenever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (xi) The height of any proposed alteration or construction shall be compatible with the style and character of the landmark and with surrounding structures.
- (xii) The proportions and relationships between doors and windows shall be compatible with the architectural style and character of the landmark, and with surrounding structures.
- (xiii) The relationship of a structure to the open space between it and adjoining structures should be compatible.

- (xiv) The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures.
- (xv) The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures.
- (xvi) Facades should blend with other structures with regard to directional expression. Structures should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction or partial demolition should be compatible with its original architectural style and character.
- (xvii) Architectural details including materials and textures should be treated so as to make a landmark compatible with its original character or significant architectural style and to preserve and enhance the landmark or historic district.

(11) Signs

- (i) Signs in the HP-O district are subject to the general sign regulations of the code of ordinances. In addition, all signs for a landmark or structures in a historic district not specified in the application for landmark or historic district designation must receive a Certificate of Appropriateness from the Historic Preservation Commission, which shall review the proposed sign in accordance with the following general guidelines:
 - (A) Additional sign restrictions included in the ordinance which designates a landmark or historic district.
 - (B) Signs shall be designed and placed so as to appear an integral part of the building design, and to respect the neighboring properties and the district in general. Signs shall be designed with appropriateness relative to the services of the establishment served.
- (ii) Nothing contained in this section shall prevent the use of normal "for rent" and "for sale" signs as permitted by the Section 29-4.10 (Signs). Any owner offering property for sale or any realtor listing property for sale which is located within the HP-O district is required to advise potential purchasers that the property is located within the HP-O district. Any person violating this subsection shall be deemed guilty of an infraction and shall be fined as provided for in Chapter 16.

(12) Certificate of Economic Hardship

- (i) A person whose application for a Certificate of Appropriateness has been denied or granted conditionally may apply for a Certificate of Economic Hardship. Alternatively, an application for a Certificate of Economic Hardship may be filed with the application for Certificate of Appropriateness. Application shall be made on forms provided by the Director and approved by the Historic Preservation Commission. If a fully completed application for a Certificate of Economic Hardship has not been acted upon within forty (40) days after the date the application was filed with the Director, it shall be deemed approved, unless tabled or continued with the consent of the applicant. No motion to table or continue shall be made without the consent of the applicant. The application shall identify facts which support a determination that denial of the application will deprive the owner of the property of reasonable use of or a reasonable economic return

on the property. An application for Certificate of Economic Hardship may include any or all of the information in below:

- (A) Estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Historic Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness.
 - (B) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - (C) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the Historic Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
 - (D) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - (E) Applicant may demonstrate with factual data/evidence that the hardship is not self-created. If the property is income producing, the applicant may provide detailed annual income and expense reports for the property for the last two (2) years, rent rates and capitalization rates for the property and comparable properties, and any other pertinent information that would substantiate the applicant's claim concerning economic hardship.
 - (F) Appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 - (G) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.
 - (H) Assessed value of the property.
 - (I) Real estate taxes.
 - (J) Form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture, or other.
- (ii) An application for a Certificate of Economic Hardship, if not filed with the application for Certificate of Appropriateness, must be made within sixty (60) days of a decision on the application for Certificate of Appropriateness. The Director shall schedule the application for consideration by the Historic Preservation Commission within a reasonable time. The Director shall conspicuously place a sign on the property giving public notice of the meeting at which the application shall be considered. The sign shall be placed at least seven (7) days prior to the meeting.
- (iii) Any person aggrieved by the decision of the Historic Preservation Commission may appeal to the Board by filing a notice of appeal with the City Clerk within thirty (30) days of the decision of the Historic Preservation Commission. Notice of the Historic Preservation Commission's decision shall be mailed to the applicant unless the applicant

or the applicant's agent was present at the meeting at which the decision was made. The Board shall provide a hearing and render a decision in accordance with the provisions of R.S.Mo. Chapter 536.

(13) Continuing Validity of Certificates

Certificates of appropriateness and certificates of economic hardship shall become void if the work authorized by the certificate is not commenced within six (6) months of the date of issuance. Certificates of appropriateness and certificates of economic hardship shall be issued for a period of eighteen (18) months and are renewable.

(14) Variances

The Historic Preservation Commission may make recommendations to the Board to allow variances for standard parking and lot line requirements for property in the HP-O district, where such variances will aid in the retention of the property's historic character and appearance. The Historic Preservation Commission shall also make recommendations to allow designated properties to be utilized for noncomplying uses if such use would serve to perpetuate the viable contemporary utilization of the historic structure.

(15) Review

District boundaries and designation status may be reviewed after no less than ten (10) years, at the request of either the Historic Preservation Commission or the petition of the owners of at least sixty (60) of the Boone County tax parcels in the district. After the initial ten (10) year period, district boundaries and designation status may be reviewed no more often than once every five (5) years.

(d) FP-O Floodplain Overlay³⁷⁴

(1) Authority

The Council enacts these floodplain management regulations under its authority to adopt zoning regulations designed to protect the health, safety and general welfare which authority was granted to the City of Columbia as a home rule charter City by the people of the State of Missouri in Article VI, Section 19(a) of the Missouri Constitution and by the General Assembly of the State of Missouri in Chapter 89 of the Missouri Revised Statutes.

(2) Findings of Fact

- (i) Flood losses resulting from periodic inundation. The flood hazard areas of Columbia, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.
- (ii) General causes of these flood losses. These flood losses are caused by (1) The cumulative effect of obstructions in floodways causing increases in flood heights and velocities, (2)

³⁷⁴ From current Section 29-22, with changes as noted.

The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

- (iii) Methods used to analyze flood hazards. This section uses a reasonable method of analyzing flood hazards which consists of the following series of interrelated steps:
- (iv) Selection of regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this section is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this section. It is in the general order of a flood which could be expected to have a one (1) percent chance of occurrence in any one (1) year, as delineated by the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated March 17, 2011, as amended, and any future revisions thereto.
- (v) Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- (vi) Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
- (vii) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
- (viii) Delineation of flood fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

(3) Purpose

The purpose of the floodplain overlay district is to promote the public health, safety, and general welfare and to minimize those losses described in subsection (a)(2)a. to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations 59.22(a)(3), and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this section to:

- (i) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- (ii) Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- (iii) Protect individuals from buying lands that are unsuited for intended purposes because of flood hazard.

(4) General Provisions

- (i) *Lands to which ordinance applies.* This section shall apply to all lands within the jurisdiction of the City of Columbia identified on the digital flood insurance rate map (DFIRM)³⁷⁵ for Boone County, Missouri on map panels 29019C0165D, 29019C0170D, 29019C0190D, 29019C0260D, 29019C270D, 29019C0280D, 29019C0285D, 29019C0290D, 29019C0295D, 29019C0325D, 29019C0335D and 29019C0355D as A

³⁷⁵ Revised to reference digital FIRM.

zones (including AE, AO and AH zones) dated March 17, 2011 as amended and any future revisions thereto, and that portion of the X zone shaded, other flood areas, which is in the upper square mile of a flood drainage area. In all areas covered by this section, no development shall be permitted except upon the issuance of a floodplain permit to develop granted by the Director of Public Works under such safeguards and restriction as the Director of Public Works may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community and where specifically noted in this section.

- (ii) *The enforcement officer.* The Director of Public Works is hereby designated as the duly designated local floodplain administrator under this section.
- (iii) *Rules for interpretation of district boundaries.* The boundaries of the floodway, flood fringe, and flood drainage area shall be determined by scaling distances on the official Zoning Map or on the flood insurance rate map or floodway map. Where interpretation is needed to the exact location of the boundaries of the district as shown on the official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Director of Public Works shall make the necessary interpretation. In such cases where the interpretation is contested, the Board will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence, if he so desires.
- (iv) *Compliance.* No development within known flood hazard areas of the City of Columbia shall be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations.
- (v) *Abrogation and greater restrictions.* It is not intended by this section to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.
- (vi) *Interpretation.* In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the Council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- (vii) *Warning and disclaimer of liability.* The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside of the floodway, flood fringe, and flood drainage area boundaries or land uses permitted within such areas will be free from flooding or flood damage. This section shall not create liability on the part of the City of Columbia or any officer or employee thereof for any flood damages that may result from reliance on this section or any administrative decision lawfully made thereunder.

- (viii) *Appeal*. Where a request for a Floodplain Development Permit to develop or for a variance is denied by the Director of Public Works the applicant may apply for such Floodplain Development Permit or variance to these regulations directly to the Board.

(5) Permit Required

No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate Floodplain Development Permit for development in this Floodplain Overlay District.

(6) Administration

The Director of Public Works is hereby appointed to administer and implement the provisions of this section. Duties of the Director of Public Works shall include, but not be limited to:

- (i) Review all applications for Floodplain Development Permits to assure that sites are reasonably safe from flooding and that the Floodplain Development Permit requirements of this section have been satisfied.
- (ii) Review all applications for Floodplain Development Permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (iii) Issue Floodplain Development Permits for approved applications.
- (iv) Notify adjacent communities, the State of Missouri Emergency Management Agency, the Missouri Clean Water Commission, and the Department of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.
- (v) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (vi) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (vii) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures have been floodproofed.
- (viii) When floodproofing is utilized for a particular non-residential structure, the Director of Public Works shall be presented certification from a registered professional engineer or architect.

(7) Application for Permit

To obtain a Floodplain Development Permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- (i) Identify and describe the work to be covered by the Floodplain Development Permit.

- (ii) Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
- (iii) Indicate the use or occupancy for which the proposed work is intended.
- (iv) Be accompanied by plans and specifications for proposed construction.
- (v) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- (vi) Give such other information as reasonably may be required by the Director of Public Works.

(8) General Provisions for Flood Hazard Reduction

- (i) No permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO and AH zones) and that portion of the X zone shaded, other flood areas, which is in the upper square mile of a flood drainage area, unless the conditions of this subsection are satisfied.
- (ii) All areas identified as unnumbered A zones and X zones shaded, other flood areas, on the FIRM are subject to inundation of the 1% annual chance flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of this section. If flood insurance study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state or other sources.
- (iii) New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
 - (A) Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (B) New or replacement water supply systems and sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and onsite waste disposal systems be located so as to avoid impairment or contamination.
 - (C) Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damage, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (D) All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.
 - (E) That until a floodway has been designated, no development, including landfill, may be permitted within Zone AE and the flood drainage area (Zone X shaded, other flood areas - upper square mile) on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing

and reasonably anticipated uses, will not increase the water surface elevation of the 1% annual chance flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the flood insurance rate study incorporated by reference: subsection (a)(2)c.1 of this section.

- (F) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- (G) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- (iv) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (1) all such proposals are consistent with the need to minimize flood damage, (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (3) adequate drainage is provided so as to reduce exposure to flood hazards, and (4) proposals for development (including proposals for manufactured home parks) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

(9) Specific Standards for Flood Hazard Reduction

In all areas of special flood hazard where base flood elevation data have been provided as set forth in subsection (a)(2)c., the following provisions are required:

- (i) *Residential construction.* New construction or substantial improvements of any residential building or manufactured home shall have the lowest floor, including basement, elevated to at least two (2) feet above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (d)(2)c.
- (ii) *Nonresidential construction.* New construction or substantial improvements of any commercial, industrial, or nonresidential building or manufactured home shall have the lowest floor, including basement, elevated to at least two (2) feet above base flood elevation. Buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in subsection (c)(2)b.7.
- (iii) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (A) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot enclosed area subject to flooding;
 - (B) The bottom of all openings shall be no higher than one foot above grade; and
 - (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (iv) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used on connection with the premises (standard exterior door) or entry to the living area (stairways or elevator); and
- (v) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(10) Manufactured Homes

- (i) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (A) Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one additional tie per side;
 - (B) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - (C) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - (D) Any additions to the manufactured home be similarly anchored.
- (ii) All manufactured homes to be placed within zones AH, AE and X shaded, other flood areas, on Columbia's FIRM on sites:
 - (A) Outside of a manufactured home park or subdivision,
 - (B) In a new manufactured home park or subdivision,
 - (C) In an expansion to an existing manufactured home park or subdivision, or
 - (D) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least two (2) feet above the base flood elevation; and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (d)(4)a.
- (iii) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones AH, AE and X shaded, other flood

areas, on Columbia's FIRM that are not subject to the provisions of subsection (d)(4)a. shall be elevated so that either:

- (A) The lowest floor of the manufactured home is at least two (2) feet above the base flood elevation, or
- (B) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and are securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (d)(4)a.

(11) Recreational Vehicles

All recreational vehicles placed on sites within the identified floodplain on Columbia's FIRM shall either be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use or meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this section. A recreational vehicle is ready for highway use if it is on its wheels or its jacking system, is attached to the site only by quick disconnect type utilities and security devices and it has no permanently attached additions.

(12) AH Zones

Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

(13) AO Zones

Located within the areas of special flood hazard established in section (b)(1) are areas designed as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

- (i) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on Columbia's FIRM (at least three (3) feet if no depth number is specified).
- (ii) All new construction and substantial improvements of nonresidential structures shall:
 - (A) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on Columbia's FIRM (at least three (3) feet if no depth number is specified), or
 - (B) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in subsection (c)(2)b.7.

- (iii) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

(14) Floodway Area³⁷⁶

- (i) Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the floodway district to the extent that they are not prohibited by any other ordinance. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless a "no-rise" certification statement by a professional registered engineer or architect is provided. A "no-rise" certification statement shall be accompanied by supporting documentation which shall adequately demonstrate that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of subsection (d). The following are recommended uses for the floodway district.
 - (A) Agricultural uses such as general farming, pasture, nurseries, forestry.
 - (B) Residential uses such as lawns, gardens, parking and play areas.
 - (C) Nonresidential areas such as loading areas, parking and airport landing strips.
 - (D) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
- (ii) In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State or other sources or section (d)(1)c.7 of this section, in meeting the standards of this subsection.

(15) Variance Procedures³⁷⁷

- (i) The Board shall hear and decide requests for variances from the requirements of this section.
- (ii) In passing upon such applications, the Board shall consider all technical evaluation, all relevant factors, standards specified in other subsections of this section, and:
 - (A) The danger that materials may be swept onto other lands to the injury of others;
 - (B) The danger to life and property due to flooding or erosion damage;
 - (C) The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (D) The importance of the services provided by the proposed facility to the community;
 - (E) The necessity to the facility of a waterfront location, where applicable;
 - (F) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (G) The compatibility of the proposed use with existing and anticipated development;

³⁷⁶ Renamed from Floodway District Overlay because this is an area within an overlay district.

³⁷⁷ This section revised to clarify that it applies to variances from the regulations. Appeals claiming that the City made an error in applying the floodplain regulation are now governed by 29-5.3(h) like all other appeals.

- (H) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (I) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (J) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (K) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (iii) Any person aggrieved by the decision of the Board on a floodplain variance application may appeal such decision to the circuit court of Boone County.³⁷⁸

(16) Conditions for Flood Plain Variances

- (i) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items ii. through vi. below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (ii) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection.
- (iii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (iv) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (v) Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (vi) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(17) Penalties for Violation

Violation of the provisions of this section 29-2.3(d) or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall upon

³⁷⁸ Clause "or any taxpayer" was removed. Appeals should be limited to those aggrieved by the decision.

conviction thereof be fined not more than one thousand dollars (\$1,000.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Columbia or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

(18) Amendments

The regulations, restrictions, and boundaries set forth in this section may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Columbia. At least fifteen (15) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII of the Federal Emergency Management Agency. The regulations of this section are in compliance with the National Flood Insurance Program regulations.